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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 28th January, 1976 :—

Bill No. 25 of 1976

A BILL to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good.

WHEREAS it is expedient to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land, and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good;

AND WHEREAS Parliament has no power to make laws for the States with respect to the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution resolutions have been passed by all the Houses of the Legislatures of the States of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal that the matters aforesaid should be regulated in those States by Parliament by law;

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, application and commencement.

1. (*1*) This Act may be called the Urban Land (Ceiling and Regulation) Act, 1976.

(*2*) It applies in the first instance to the whole of the States of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal and to all the Union territories and it shall also apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

(*3*) It shall come into force in the States of Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal and in the Union territories at once and in any other State which adopts this Act under clause (1) of article 252 of the Constitution, on the date of such adoption; and any reference in this Act to the commencement of this Act shall, in relation to any State or Union territory, mean the date on which this Act comes into force in such State or Union territory.

CHAPTER II

DEFINITIONS

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appointed day" means,—

(*i*) in relation to any State to which this Act applies in the first instance, the date of introduction of the Urban Land (Ceiling and Regulation) Bill, 1976 in Parliament; and

(*ii*) in relation to any State which adopts this Act under clause (1) of article 252 of the Constitution, the date of such adoption;

(*b*) "building regulations" means the regulations contained in the master plan, or the law in force governing the construction of buildings;

(*c*) "ceiling limit" means the ceiling limit specified in section 4;

(*d*) **"competent authority" means any person or authority authorised by the State Government, by notification in the Official Gazette, to perform the functions of the competent authority under this Act for such area as may be specified in the notification and different persons or authorities may be authorised to perform different functions;**

(*e*) "dwelling unit", in relation to a building or a portion of a building, means a unit of accommodation, in such building or portion, used solely for the purpose of residence;

(*f*) "family", in relation to a person, means the individual, the wife or husband, as the case may be, of such individual and their unmarried minor children.

Explanation.—For the purpose of this clause, "minor" means a person who has not completed his or her age of eighteen years;

(*g*) "land appurtenant", in relation to any building, means the minimum extent of land required under the building regulations governing such building to be kept as open space for the enjoyment of such building, which in no case shall exceed five hundred square metres, and includes, in the case of any building constructed before the appointed day with a dwelling unit therein, an additional extent not exceeding five hundred square metres of land, if any, contiguous to such minimum extent ;

(*h*) "master plan", in relation to an area within an urban agglomeration or any part thereof, means the plan (by whatever name called) prepared under any law for the time being in force or in pursuance of an order made by the State Government for the development of such area or part thereof and providing for the stage by which such development shall be carried out;

(*i*) "person" includes an individual, a family, a firm, a company, or an association of individuals, whether incorporated or not;

(*j*) "prescribed" means prescribed by rules made under this Act;

(*k*) "State" includes a Union territory and "State Government", in relation to any land or building situated in a Union territory or within the local limits of a cantonment declared as such under section 3 of the Cantonments Act, 1924, means the Central Government;

2 of 1924.

(*l*) "to hold" with its grammatical variations, in relation to any land (whether vacant land or not), means—

(*i*) to own such land; or

(*ii*) to possess such land as owner or as tenant or as mortgagee or under an irrevocable power of attorney or under a hire-purchase agreement or partly in one capacity and partly in any other capacity or capacities.

Explanation.—Where the same land is held by one person in one capacity and by another person in another capacity, then, for the purposes of this Act, such land shall be deemed to be held by both such persons;

(*m*) "Tribunal" means the Urban Land Tribunal constituted under section 12 ;

(*n*) "urban agglomeration", in relation to any State or Union territory specified in column (1) of Schedule I, means,—

(*i*) the urban agglomeration specified in the corresponding entry in column (2) thereof and includes the peripheral area specified in the corresponding entry in column (3) thereof; and

(*ii*) any other area which the State Government may, with the previous approval of the Central Government, having regard to its location, population (population being more than one lakh) and such other relevant factors as the circumstances of the case may require, by notification in the Official Gazette, declare to be an urban agglomeration and any agglomeration so declared shall be deemed to belong to category D in that Schedule and the peripheral area therefor shall be one kilometre;

(*o*) "urban land" means,—

(*i*) any land situated within the limits of an urban agglomeration and referred to as such in the master plan; or

(*ii*) in a case where there is no master plan, or where the master plan does not refer to any land as urban land, any land situated in any area included within the local limits of a municipality (by whatever name called), a notified area committee, a town area committee, a city and town committee, a small town committee, a cantonment board or a panchayat,

but does not include any such land which is mainly used for the purpose of agriculture.

Explanation.—For the purpose of this clause and clause (*q*),—

(*A*) "agriculture" includes horticulture, but does not include—

(*i*) raising of grass,

(*ii*) dairy farming,

(*iii*) poultry farming,

(*iv*) breeding of live-stock, and

(*v*) such cultivation, or the growing of such plant, as may be prescribed;

(*B*) land shall not be deemed to be used mainly for the purpose of agriculture if there is a building on such land and such building is not in the nature of a farm-house :

Provided that if any question arises whether any building is in the nature of a farm-house, such question shall be referred to the State Government and the decision of the State Government thereon shall be final;

(*C*) land shall not be deemed to be mainly used for the purpose of agriculture if such land is not entered in the revenue records as for the purpose of agriculture or if the land has been specified in the master plan for a purpose other than for the purpose of agriculture;

(*p*) "urbanisable land" means land situated within an urban agglomeration, but not being urban land;

(*q*) "vacant land" means land, not being land mainly used for the purpose of agriculture, in an urban agglomeration, but does not include—

(*i*) land on which construction of a building is not permissible under the building regulations in force in the area in which such land is situated, and

(*ii*) land occupied by any building which has been constructed before, or is being constructed on, the appointed day with the approval of the appropriate authority, if any, and the land appurtenant to such building:

Provided that where any person ordinarily keeps his cattle, other than for the purpose of dairy farming or for the purpose of breeding of live-stock, on any land situated in a village within an urban agglomeration (described as a village in the revenue records), then, so much extent of the land as has been ordinarily used for the keeping of such cattle immediately before the appointed day shall not be deemed to be vacant land for the purposes of this clause.

CHAPTER III

CEILING ON VACANT LAND

Persons not entitled to hold vacant land in excess of ceiling limit.

3. Except as otherwise provided in this Act, no person shall be entitled to hold any vacant land, in excess of the ceiling limit, in the territories to which this Act applies under sub-section (*2*) of section 1.

Ceiling limit.

4. (*1*) Subject to the other provisions of this section, in the case of every person, the ceiling limit shall be,—

(*a*) where the vacant land is situated in an urban agglomeration falling within category A specified in Schedule I, five hundred square metres;

(*b*) where such land is situated in an urban agglomeration falling within category B specified in Schedule I, one thousand square metres;

(*c*) where such land is situated in an urban agglomeration falling within category C specified in Schedule I, one thousand five hundred square metres;

(*d*) where such land is situated in an urban agglomeration falling within category D specified in Schedule I, two thousand square metres.

(*2*) Where any person holds vacant land situated in two or more categories of urban agglomerations specified in Schedule I, then, for the purpose of calculating the extent of vacant land held by him,—

(*a*) one square metre of vacant land situated in an urban agglomeration falling within category A shall be deemed to be equal to two square metres of vacant land situated in an urban agglomeration falling within category B, three square metres of vacant land situated in an urban agglomeration falling within category C and four square metres of vacant land situated in an urban agglomeration falling within category D;

(*b*) one square metre of vacant land situated in an urban agglomeration falling within category B shall be deemed to be equal to one and one-half square metres of vacant land situated in an urban agglomeration falling within category C and two square metres of vacant land situated in an urban agglomeration falling within category D; and

(*c*) one square metre of vacant land situated in an urban agglomeration falling within category C shall be deemed to be equal to one and one-third square metres of vacant land situated in an urban agglomeration falling within category D.

(*3*) Notwithstanding anything contained in sub-section (*1*), where in respect of any vacant land any scheme for group housing has been sanctioned by an authority competent in this behalf immediately before the commencement of this Act, then, the person holding such vacant land at such commencement shall be entitled to continue to hold such land for the purpose of group housing :

Provided that the extent of vacant land which such person shall be entitled to hold shall, in no case, exceed—

(*a*) the extent required under any building regulations governing such group housing ; or

(*b*) the extent calculated by multiplying the number of units of accommodation in the group housing and the appropriate ceiling limit referred to in sub-section (*1*),

whichever is less.

Explanation.—For the purposes of this sub-section,—

(*i*) "scheme for group housing", in relation to any vacant land, means the scheme for construction of a building on such land with one or more floors, each floor consisting of one or more dwelling units and having common service facilities:

Provided that not more than one such unit shall be owned by one single person;

(*ii*) "common service facility" includes facility like staircase, balcony and verandah.

(*4*) (*a*) In any State to which this Act applies in the first instance, if, on or after the 17th day of February, 1975, but before the appointed day, any person has made any transfer (other than a *bona fide* sale under a registered deed for valuable consideration) of any vacant land held by him and situated in such State to any other person, whether or not for consideration, then, for the purposes of calculating the extent of vacant land held by such person the land so transferred shall be taken into account as being held by him.

(*b*) For the purpose of clause (*a*), the burden of proving any sale to be a *bona fide* one shall be on the transferor.

Explanation.—Where in any State aforesaid, there was or is in force any law prohibiting transfer of urban property in that State except under the circumstances, if any, specified therein, then, for the purposes of this sub-section, any transfer by way of sale of such property, being vacant land, made by any person without contravening the provisions of such law shall be deemed to be a *bona fide* sale under a registered deed for valuable consideration.

(*5*) Where any firm or unincorporated association of individuals holds vacant land or holds any other land on which there is a building with a dwelling unit therein, then, in either case, the right or interest of any person in such land on the basis of his share in such firm or association shall also be taken into account in calculating the extent of the vacant land held by such person.

(*6*) Where a person is a beneficiary of a private trust and his share in the income from such trust is known or determinable, the share of such person in the vacant land and in any other land on which there is a building with a dwelling unit therein, held by the trust, shall be deemed to be in the same proportion as his share in the total income of such trust bears to such total income and the extent of such land apportionable to his share shall also be taken into account in calculating the extent of vacant land held by such person.

(*7*) Where a person is a member of a Hindu undivided family, so much of the vacant land and of any other land on which there is a building with a dwelling unit therein, as would have fallen to his share had the entire vacant land and such other land held by the Hindu undivided family been partitioned amongst its members at the commencement of this Act shall also be taken into account in calculating the extent of vacant land held by such person.

(*8*) Where a person, being a member of a housing co-operative society registered or deemed to be registered under any law for the time being in force, holds vacant land allotted to him by such society, then, the extent of land so held shall also be taken into account in calculating the extent of vacant land held by such person.

Transfer of vacant land.

5. (*1*) In any State to which this Act applies in the first instance, where any person who had held vacant land in excess of the ceiling limit at any time during the period commencing on the appointed day and ending with the commencement of this Act, has transferred such land or part thereof by way of sale, mortgage, gift, lease or otherwise, the excess vacant land in relation to such person shall, for the purposes of this Chapter, be selected out of the vacant land held by him after such transfer and in case the entire excess vacant land cannot be so selected, the balance, or, where no vacant land is held by him after the transfer, the entire excess vacant land, shall be selected out of the vacant land held by the transferee:

Provided that where such person has transferred his vacant land to more than one person, the balance, or, as the case may be, the entire excess vacant land aforesaid, shall be selected out of the vacant land held by each of the transferees in the same proportion as the area of the vacant land transferred to him bears to the total area of the land transferred to all the transferees.

(*2*) Where any excess vacant land is selected out of the vacant land transferred under sub-section (*1*), the transfer of the excess vacant land so selected shall be deemed to be null and void.

(*3*) In any State to which this Act applies in the first instance and in any State which adopts this Act under clause (1) of article 252 of the Constitution, no person holding vacant land in excess of the ceiling limit immediately before the commencement of this Act shall transfer any such land or part thereof by way of sale, mortgage, gift, lease or otherwise until he has furnished a statement under section 6 and a notification regarding the excess vacant land held by him has been published under sub-section (*1*) of section 10; and any such transfer made in contravention of this provision shall be deemed to be null and void.

Persons holding vacant land in excess of ceiling limit to file statement.

6. (*1*) Every person holding vacant land in excess of the ceiling limit at the commencement of this Act shall, within such period as may be prescribed, file a statement before the competent authority having jurisdiction specifying the location, extent, value and such other particulars as may be prescribed of all vacant lands and of any other land on which there is a building, whether or not with a dwelling unit therein, held by him (including the nature of his right, title or interest therein) and also specifying the vacant lands within the ceiling limit which he desires to retain.

Explanation.—In this sub-section, "commencement of this Act" means,—

(*i*) the date on which this Act comes into force in any State;

(*ii*) where any land, not being vacant land, situated in a State in which this Act is in force has become vacant land by any reason whatsoever, the date on which such land becomes vacant land;

(*iii*) where any notification has been issued under sub-clause (*ii*) of clause (*n*) of section 2 in respect of any area in a State in which this Act is in force, the date of publication of such notification.

(*2*) If the competent authority is of the opinion that any person holds vacant land in excess of the ceiling limit, then, notwithstanding anything contained in sub-section (*1*), it may serve a notice upon such person requiring him to file, within such period as may be specified in the notice, the statement referred to in sub-section (*1*).

(*3*) The competent authority may, if it is satisfied that it is necessary so to do, extend the date for filing the statement under this section by such further period or periods as it may think fit; so, however, that the period or the aggregate of the periods of such extension shall not exceed three months.

(*4*) The statement under this section shall be filed,—

(*a*) in the case of an individual, by the individual himself; where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is mentally incapacitated from attending to his affairs, by his guardian or any other person competent to act on his behalf;

(*b*) in the case of a family, by the husband or wife and where the husband or wife is absent from India or is mentally incapacitated from attending

to his or her affairs, by the husband or wife who is not so absent or mentally incapacitated;

(*c*) in the case of a company, by the principal officer thereof;

(*d*) in the case of a firm, by any partner thereof;

(*e*) in the case of any other association, by any member of the association or the principal officer thereof; and

(*f*) in the case of any other person, by that person or by a person competent to act on his behalf.

Explanation.—For the purposes of this sub-section, "principal officer",—

(*i*) in relation to a company, means the secretary, manager or managing-director of the company;

(*ii*) in relation to any association, means the secretary, treasurer, manager or agent of the association,

and includes any person connected with the management of the affairs of the company or the association, as the case may be, upon whom the competent authority has served a notice of his intention of treating him as the principal officer thereof.

Filing of statement in cases where vacant land held by a person is situated within the jurisdiction of two or more competent authorities.

7. Where a person holds vacant land situated within the jurisdiction of two or more competent authorities, whether in the same State or in two or more States to which this Act applies, then, he shall file his statement under sub-section (*1*) of section 6 before the competent authority within the jurisdiction of which the major part thereof is situated and thereafter all subsequent proceedings shall be taken before that competent authority to the exclusion of the other competent authority or authorities concerned and the competent authority, before which the statement is filed, shall send intimation thereof to the other competent authority or authorities concerned.

Preparation of draft statement as regards vacant land held in excess of ceiling limit.

8. (*1*) On the basis of the statement filed under section 6 and after such inquiry as the competent authority may deem fit to make the competent authority shall prepare a draft statement in respect of the person who has filed the statement under section 6.

(*2*) Every statement prepared under sub-section (*1*) shall contain the following particulars, namely:—

(*i*) the name and address of the person;

(*ii*) the particulars of all vacant lands and of any other land on which there is a building, whether or not with a dwelling unit therein, held by such person;

(*iii*) the particulars of the vacant lands which such person desires to retain within the ceiling limit;

(*iv*) the particulars of the right, title or interest of the person in the vacant lands; and

(*v*) such other particulars as may be prescribed.

(*3*) The draft statement shall be served in such manner as may be prescribed on the person concerned together with a notice stating that any objection to the draft statement shall be preferred within thirty days of the service thereof.

(*4*) The competent authority shall duly consider any objection received, within the period specified in the notice referred to in sub-section (*3*) or within such further period as may be specified by the competent authority for any good and sufficient reason, from the person on whom a copy of the draft statement has been served under that sub-section and the competent authority shall, after giving the objector a reasonable opportunity of being heard, pass such orders as it deems fit.

Final statement.

9. After the disposal of the objections, if any, received under sub-section (*4*) of section 8, the competent authority shall make the necessary alterations in the draft statement in accordance with the orders passed on the objections aforesaid and shall determine the vacant land held by the person concerned in excess of the ceiling limit and cause a copy of the draft statement as so altered to be served in the manner referred to in sub-section (*3*) of section 8 on the person concerned and where such vacant land is held under a lease, or a mortgage, or a hire-purchase agreement, or an irrevocable power of attorney, also on the owner of such vacant land.

Acquisition of vacant land in excess of ceiling limit.

10. (*1*) As soon as may be after the service of the statement under section 9 on the person concerned, the competent authority shall cause a notification giving the particulars of the vacant land held by such person in excess of the ceiling limit and stating that—

(*i*) such vacant land is to be acquired by the concerned State Government; and

(*ii*) the claims of all persons interested in such vacant land may be made by them personally or by their agents giving particulars of the nature of their interests in such land,

to be published for the information of the general public in the Official Gazette of the State concerned and in such other manner as may be prescribed.

(*2*) After considering the claims of the persons interested in the vacant land, made to the competent authority in pursuance of the notification published under sub-section (*1*), the competent authority shall determine the nature and extent of such claims and pass such orders as it deems fit.

(*3*) At any time after the publication of the notification under sub-section (*1*), the competent authority may, by notification published in the Official Gazette of the State concerned, declare that the excess vacant land referred to in the notification published under sub-section (*1*) shall, with effect from such date as may be specified in the declaration, be deemed to have been acquired by the State Government and upon the publication of such declaration, such land shall be deemed to have vested absolutely in the State Government free from all encumbrances with effect from the date so specified.

(*4*) During the period commencing on the date of publication of the notification under sub-section (*1*) and ending with the date specified in the declaration made under sub-section (*3*)—

(*i*) no person shall transfer by way of sale, mortgage, gift, lease or otherwise any excess vacant land (including any part thereof) specified in the notification aforesaid and any such transfer made in contravention of this provision shall be deemed to be null and void; and

(*ii*) no person shall alter or cause to be altered the use of such excess vacant land.

(*5*) Where any vacant land is vested in the State Government under sub-section (*3*), the competent authority may, by notice in writing, order any person who may be in possession of it to surrender or deliver possession thereof to the State Government or to any person duly authorised by the State Government in this behalf within thirty days of the service of the notice.

(*6*) If any person refuses or fails to comply with an order made under sub-section (*5*), the competent authority may take possession of the vacant land or cause it to be given to the concerned State Government or to any person duly authorised by such State Government in this behalf and may for that purpose use such force as may be necessary.

Explanation.—In this section, in sub-section (*1*) of section 11, and in sections 14 and 23, "State Government", in relation to any vacant land owned by the Central Government, means the Central Government.

Payment of amount for vacant land acquired.

11. (*1*) **Where any vacant land is deemed to have been acquired by any State Government under sub-section (*3*) of section 10, such State Government shall pay to the person or persons having any interest therein,—**

(*a*) **in a case where there is any income from such vacant land, an amount equal to eight and one-third times the net average annual income actually derived from such land during the period of five consecutive years immediately preceding the date of publication of the notification issued under sub-section (*1*) of section 10; or**

(*b*) **in a case where no income is derived from such vacant land, an amount calculated at a rate not exceeding—**

(*i*) **ten rupees per square metre in the case of vacant land situated in an urban agglomeration falling within category A or category B specified in Schedule I ; and**

(*ii*) **five rupees per square metre in the case of vacant land situated in an urban agglomeration falling within category C or category D specified in that Schedule.**

(*2*) **The net average annual income referred to in clause (*a*) of sub-section (*1*) shall be calculated in the manner and in accordance with the principles set out in Schedule II.**

(*3*) **For the purpose of clause (*b*) of sub-section (*1*), the State Government shall—**

(*a*) **divide, by notification in the Official Gazette, every urban agglomeration situated within the State into different zones, having regard to the location and the general use of the land situated in an urban agglomeration, the utility of the land in that urban agglomeration for the orderly urban development thereof and such other relevant factors as the circumstances of the case may require; and**

(*b*) fix, subject to the maximum rates specified in that clause, the rate per square metre of vacant land in each zone, having regard to the availability of vacant land in the zone, the trend of price rise of vacant land over a period of twenty years in the zone before the commencement of this Act, the amount invested by the Government for the development of the zone, the existing use of vacant land in the zone and such other relevant factors as the circumstances of the case may require.

(*4*) Different rates may be fixed under clause (*b*) of sub-section (*3*) for vacant lands situated in different zones within each urban agglomeration.

(*5*) Notwithstanding anything contained in sub-section (*1*) where any vacant land which is deemed to have been acquired by any State Government under sub-section (*3*) of section 10 is held by any person under a grant, lease or other tenure from the Central Government or any State Government and—

(*i*) the terms of such grant, lease or other tenure do not provide for payment of any amount to such person on the termination of such grant, lease or other tenure and the resumption of such land by the Central Government or the State Government, as the case may be; or

(*ii*) the terms of such grant, lease or other tenure provide for payment of any amount to such person on such termination and resumption,

then,—

(*a*) in a case falling under clause (*i*), no amount shall be payable in respect of such vacant land under sub-section (*1*); and

(*b*) in a case falling under clause (*ii*), the amount payable in respect of such vacant land shall be the amount payable to him under the terms of such grant, lease or other tenure on such termination and resumption or the amount payable to him under sub-section (*1*), whichever is less.

(*6*) Notwithstanding anything contained in sub-section (*1*) or sub-section (*5*), the amount payable under either of the said sub-sections shall, in no case, exceed two lakhs of rupees.

(*7*) The competent authority may, by order in writing, determine the amount to be paid in accordance with the provisions of this section as also the person, or, where there are several persons interested in the land, the persons to whom it shall be paid and in what proportion, if any.

(*8*) Before determining the amount to be paid, every person interested shall be given an opportunity to state his case as to the amount to be paid to him.

(*9*) The competent authority shall dispose of every case for determination of the amount to be paid as expeditiously as possible and in any case within such period as may be prescribed.

(*10*) Any claim or liability enforceable against any vacant land which is deemed to have been acquired by the State Government under sub-section (*3*) of section 10 may be enforced only against the amount payable under this section in respect of such land and against any other property of the owner of such land.

Constitution of Urban Land Tribunal and appeal to Urban Land Tribunal.

12. (*1*) **The State Government may, by notification in the Official Gazette, constitute one or more Urban Land Tribunal or Tribunals.**

(*2*) The Tribunal shall consist of a sole member who shall be an officer of the rank of a Commissioner of a division or a member of the Board of Revenue.

(*3*) The Tribunal shall have jurisdiction over such area as the State Government may, by notification in the Official Gazette, specify.

(*4*) If any person is aggrieved by an order of the competent authority under section 11, he may, within thirty days of the date on which the order is communicated to him, prefer an appeal to the Tribunal having jurisdiction over the area in which the vacant land (in relation to which the amount has been determined) is situated or where such land is situated within the jurisdiction of more than one Tribunal to the Tribunal having jurisdiction over the area in which a major part of such land is situated :

Provided that the Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*5*) In deciding appeals the Tribunal shall exercise all the powers which a civil court has and follow the same procedure which a civil court follows in deciding appeals against the decree of an original court under the Code of Civil Procedure, 1908.

Second appeal to High Court.

13. Subject to the provisions of the Code of Civil Procedure, 1908, applicable to appeals from original decrees, an appeal shall lie to the High Court from the decision of the Tribunal under section 12.

Mode of payment of amount.

14. (*1*) The State Government shall, within a period of six months from the date of the order of the competent authority determining the amount to be paid under section 11, or, in a case where an appeal has been preferred against such order under section 12 or under section 13, within a period of six months from the date of the final appellate order, pay the amount referred to in section 11 to the person or persons entitled thereto.

(*2*) Twenty-five per cent. of the amount or twenty-five thousand rupees, whichever is less, shall be paid in cash and the balance in negotiable bonds redeemable after the expiry of twenty years carrying an interest at the rate of five per cent. per annum with effect from the date on which the vacant land is deemed to have been acquired by the State Government under sub-section (*3*) of section 10.

Ceiling limit on future acquisition by inheritance, bequest or by sale in execution of decrees, etc.

15. (*1*) If, on or after the commencement of this Act, any person acquires by inheritance, settlement or bequest from any other person or by sale in execution of a decree or order of a civil court or of an award or order of any other authority, any vacant land the extent of which together with the extent of the vacant land, if any, already held by him exceeds in the aggregate the ceiling limit, then, he shall, within three months of the date of such acquisition, file a statement before the competent authority having jurisdiction specifying the location, value and such other particulars as may be prescribed of all the vacant lands held by him and also specifying the vacant lands within the ceiling limit which he desires to retain.

(2) The provisions of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under this section and to the vacant land held by such person in excess of the ceiling limit.

Certain persons to file statements when the Act is adopted subsequently by any State.

16. (1) Where any person holds any vacant land in any State to which this Act does not apply in the first instance but which subsequently adopts this Act under clause (1) of article 252 of the Constitution and the extent of such land together with the extent of the vacant land, if any, already held by him in any other State to which this Act applies in the first instance, exceeds in the aggregate the ceiling limit, then, he shall, within three months of the commencement of this Act in the State first mentioned, file a statement before the competent authority having jurisdiction specifying the location, extent, value and such other particulars as may be prescribed of all vacant lands held by him in that State and in such other State and also specifying the vacant lands within the ceiling limit which he desires to retain.

(2) The provisions of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under this section and to the vacant land held by such person in excess of the ceiling limit.

Power to enter upon any vacant land.

17. The competent authority or any person acting under the orders of the competent authority may, subject to any rules made in this behalf and at such reasonable times as may be prescribed, enter upon any vacant land or any other land on which there is a building with such assistance as the competent authority or such person considers necessary and make survey and take measurements thereof and do any other act which the competent authority or such person considers necessary for carrying out the purposes of this Act.

Penalty for concealment, etc., of particulars of vacant land.

18. (1) If the competent authority, in the course of any proceedings under this Act, is satisfied that any person has concealed the particulars of any vacant land or of any other land on which there is a building, whether or not with a dwelling unit therein, held by him or furnished inaccurate particulars of such land or of the user thereof, it may, after giving such person an opportunity of being heard in the matter, by order in writing, direct that, without prejudice to any other penalty to which he may be liable under this Act, such person shall pay, by way of penalty, a sum which shall not be less than, but which shall not exceed twice, the amount representing the value of the vacant land or of such other land or both, as the case may be, in respect of which the particulars have been concealed or in respect of which inaccurate particulars as aforesaid have been furnished.

(2) Any amount payable under this section, if not paid, may be recovered as if it were an arrear of land revenue.

Chapter not to apply to certain vacant lands.

19. (1) Subject to the provisions of sub-section (2), nothing in this Chapter shall apply to any vacant land held by—

(i) the Central Government or any State Government, or any local authority or any Corporation established by or under a Central or Provincial or State Act or any Government company as defined in section 617 of the Companies Act, 1956; 1 of 1956.

(ii) any military, naval or air force institution;

(iii) any bank.

Explanation.—In this clause, "bank" means any banking company as defined in clause (*c*) of section 5 of the Banking Regulation Act, 1949, and includes—

10 of 1949.

(*a*) the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934;

2 of 1934.

(*b*) the State Bank of India constituted under the State Bank of India Act, 1955;

23 of 1955.

(*c*) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;

38 of 1959.

(*d*) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

5 of 1970.

(*e*) the Industrial Finance Corporation of India, established under the Industrial Finance Corporation Act, 1948, the Life Insurance Corporation of India, established under the Life Insurance Corporation Act, 1956, the Unit Trust of India, established under the Unit Trust of India Act, 1963, the Industrial Development Bank of India, established under the Industrial Development Bank of India Act, 1964, the Industrial Credit and Investment Corporation of India, the Industrial Reconstruction Corporation of India and any other financial institution which the Central Government or the State Government concerned may, by notification in the Official Gazette, specify in this behalf;

15 of 1948.
31 of 1956.
52 of 1963.
18 of 1964.

(*iv*) any public charitable or religious trust (including wakf) and required and used for any public charitable or religious purposes:

Provided that the exemption under this clause shall apply only so long as such land continues to be required and used for such purposes by such trust;

(*v*) any co-operative society, being a land mortgage bank or a housing co-operative society, registered or deemed to be registered under any law relating to co-operative societies for the time being in force:

Provided that the exemption under this clause, in relation to a land mortgage bank, shall not apply to any vacant land held by it otherwise than in satisfaction of its dues;

(*vi*) any such educational, cultural, technical or scientific institution or club [not being a Corporation established by or under a Central or Provincial or State Act referred to in clause (*l*) or a society referred to in clause (*vii*)] as may be approved for the purposes of this clause by the State Government by general or special order, on application made to it in this behalf by such institution or club or otherwise .

Provided that no approval under this clause shall be accorded by the State Government unless that Government is satisfied that it is necessary so to do having regard to the nature and scope of the activities of the institution or club concerned, the extent of the vacant land required *bona fide* for the purposes of such institution or club and other relevant factors;

21 of 1860.

(*vii*) any society registered under the Societies Registration Act, 1860, or under any other corresponding law for the time being in force and used for any non-profit and non-commercial purpose;

(*viii*) a foreign State for the purposes of its diplomatic and consular missions or for such other official purposes as may be approved by the Central Government or for the residence of the members of the said missions;

(*ix*) the United Nations and its specialised agencies for any official purpose or for the residence of the members of their staff;

(*x*) any international organisation for any official purpose or for the residence of the members of the staff of such organisation:

Provided that the exemption under this clause shall apply only if there is an agreement between the Government of India and such international organisation that such land shall be so exempted.

(*2*) The provisions of sub-section (*1*) shall not be construed as granting any exemption in favour of any person, other than an authority, institution or organisation specified in sub-section (*1*), who possesses any vacant land which is owned by such authority, institution or organisation or who owns any vacant land which is in the possession of such authority, institution or organisation:

Provided that where any vacant land which is in the possession of such authority, institution or organisation, but owned by any other person, is declared as excess vacant land under this Chapter, such authority, institution or organisation shall, notwithstanding anything contained in any of the foregoing provisions of this Chapter, continue to possess such land under the State Government on the same terms and conditions subject to which it possessed such land immediately before such declaration.

Explanation.—For the purposes of this sub-section, the expression "to possess vacant land" means to possess such land either as tenant or as mortgagee or under a hire-purchase agreement or under an irrevocable power of attorney or partly in one capacity and partly in any other capacity or capacities.

Power to exempt.

20. (*1*) Notwithstanding anything contained in any of the foregoing provisions of this Chapter,—

(*a*) where any person holds vacant land in excess of the ceiling limit and the State Government is satisfied, either on its own motion or otherwise, that, having regard to the location of such land, the purpose for which such land is being or is proposed to be used and such other relevant factors as the circumstances of the case may require, it is necessary or expedient in the public interest so to do, that Government may, by order, exempt, subject to such conditions, if any, as may be specified in the order, such vacant land from the provisions of this Chapter;

(*b*) where any person holds vacant land in excess of the ceiling limit and the State Government, either on its own motion or otherwise, is satisfied that the application of the provisions of this Chapter would cause undue hardship to such person, that Government may, by order, exempt, subject to such conditions, if any, as may be specified in the order, such vacant land from the provisions of this Chapter :

Provided that no order under this clause shall be made unless the reasons for doing so are recorded in writing.

(*2*) If at any time the State Government is satisfied that any of the conditions subject to which any exemption under clause (*a*) or clause (*b*) of sub-section (*1*) is granted is not complied with by any person, it shall be competent for the State Government to withdraw, by order, such exemption after giving a reasonable opportunity to such person for making a representation against the proposed withdrawal and thereupon the provisions of this Chapter shall apply accordingly.

Excess vacant land not to be treated as excess in certain cases.

21. (*1*) Notwithstanding anything contained in any of the foregoing provisions of this Chapter, where a person holds any vacant land in excess of the ceiling limit and such person declares within such time, in such form and in such manner as may be prescribed before the competent authority that such land is to be utilised for the construction of dwelling units (each such dwelling unit having a plinth area not exceeding eighty square metres) for the accommodation of the weaker sections of the society, in accordance with any scheme approved by such authority as the State Government may, by notification in the Official Gazette, specify in this behalf, then, the competent authority may, after making such inquiry as it deems fit, declare such land not to be excess land for the purposes of this Chapter and permit such person to continue to hold such land for the aforesaid purpose, subject to such terms and conditions as may be prescribed, including a condition as to the time limit within which such buildings are to be constructed.

(*2*) Where any person contravenes any of the conditions subject to which the permission has been granted under sub-section (*1*), the competent authority shall, by order, and after giving such person an opportunity of being heard, declare such land to be excess land and thereupon all the provisions of this Chapter shall apply accordingly.

Retention of vacant land under certain circumstances.

22. (*1*) Notwithstanding anything contained in any of the foregoing provisions of this Chapter, where any person demolishes any building on any land held by him or any such building is destroyed or demolished solely due to natural causes and beyond the control of human agency and as a consequence thereof, in either case, the land on which such building has been constructed becomes vacant land and the aggregate of the extent of such land and the extent of any other vacant land held by him exceeds the ceiling limit, then, he shall, within three months from the date of such demolition or destruction file a statement before the competent authority having jurisdiction specifying the location, value and such other particulars as may be prescribed, of all the vacant lands held by him.

(*2*) Where, on receipt of a statement under sub-section (*1*) and after such inquiry as the competent authority may deem fit to make, the competent authority is satisfied that the land which has become vacant land is required by the holder for the purpose of redevelopment in accordance with the master plan, such authority may, subject to such conditions and restrictions as it may deem fit to impose, permit the holder to retain such land in excess of the ceiling limit for such purpose.

Disposal of vacant land acquired under the Act.

23. (*1*) It shall be competent for the State Government to allot, by order, in excess of the ceiling limit any vacant land which is deemed to have been acquired by the State Government under this Act or is acquired by the State Government under any other law, to any person for any purpose relating to, or in connection with, any industry or for providing residential accommodation of such type as may be approved by the State Government to its employees and it shall be lawful for such person to hold such land in excess of the ceiling limit.

Explanation.—For the purposes of this section,—

(*a*) where any land with a building has been acquired by the State Government under any other law and such building has been subsequently demolished by the State Government, then, such land shall be deemed to be vacant land acquired under such other law;

(*b*) "industry" means any business, profession, trade, undertaking or manufacture.

(*2*) In making an order of allotment under sub-section (*1*), the State Government may impose such conditions as may be specified therein including a condition as to the period within which the industry shall be put in operation or, as the case may be, the residential accommodation shall be provided for :

Provided that if, on a representation made in this behalf by the allottee, the State Government is satisfied that the allottee could not put the industry in operation, or provide the residential accommodation, within the period specified in the order of allotment, for any good and sufficient reason, the State Government may extend such period to such further period or periods as it may deem fit.

(*3*) Where any condition imposed in an order of allotment is not complied with by the allottee, the State Government shall, after giving an opportunity to the allottee to be heard in the matter, cancel the allotment with effect from the date of the non-compliance of such condition and the land allotted shall revest in the State Government free from all encumbrances.

(*4*) Subject to the provisions of sub-sections (*1*), (*2*) and (*3*), all vacant lands deemed to have been acquired by the State Government under this Act shall be disposed of by the State Government to subserve the common good on such terms and conditions as the State Government may deem fit to impose.

Special provisions regarding disposal of vacant lands in favour of certain persons.

24. (*1*) Notwithstanding anything contained in section 23, where any person, being the owner of any vacant land, had leased out or mortgaged with possession such land or had given possession of such land under a hire-purchase agreement to any other person and as a consequence thereof he has no vacant land in his possession or has vacant land in his possession less in extent than the ceiling limit, and where the land so leased or mortgaged or given possession of is deemed to have been acquired by the State Government under this Chapter, then, such person shall be entitled to make an application to the State Government in such form and containing such particulars as may be prescribed within a period of three months from the date of such acquisition for the assignment to him,—

(*a*) in a case where he has no land in his possession, of so much extent of land as is not in excess of the ceiling limit; or

(*b*) in a case where he has land in his possession less in extent than the ceiling limit, of so much extent of land as is required to make up the deficiency :

Provided that nothing in this sub-section shall be deemed to entitle a person for the assignment of land in excess of the extent of the land leased or mortgaged with possession or given possession under a hire-purchase agreement as aforesaid by such person.

(*2*) On receipt of an application under sub-section (*1*), the State Government shall, after making such inquiry as it deems fit, assign such land to such person on payment of an amount equal to the amount which has been paid by the State Government for the acquisition of the extent of land to be assigned.

CHAPTER IV

REGULATION OF TRANSFER AND USE OF URBAN PROPERTY

Definition.

25. In this Chapter, "plinth area", in relation to—

(*i*) a dwelling unit in a building consisting of only one floor, means the area of the dwelling unit at the floor level and includes the thickness of the outer walls thereof;

(*ii*) a dwelling unit in a building consisting of two or more floors, means the area of the dwelling unit at the floor level where the dwelling unit is proposed to be situated and includes the thickness of the outer walls thereof and the proportionate area intended for any common service facility at the floor level aforesaid.

Explanation.—For the purposes of this clause, "common service facility", shall have the same meaning as in sub-clause (*ii*) of the *Explanation* below sub-section (*3*) of section 4.

Notice to be given before transfer of vacant lands.

26. (*1*) Notwithstanding anything contained in any other law for the time being in force, no person entitled to hold vacant land under this Act shall transfer such land by way of sale, mortgage, gift, lease or otherwise except after giving notice in writing of the intended transfer to the competent authority.

(*2*) Where a notice given under sub-section (*1*) is for the transfer of the land by way of sale, the competent authority shall have the first option to purchase such land on behalf of the State Government at a price calculated in accordance with the provisions of the Land Acquisition Act, 1894 or of any other corresponding law for the time being in force and if such option is not exercised within a period of sixty days from the date of receipt of the notice, it shall be presumed that the competent authority has no intention to purchase such land on behalf of the State Government and it shall be lawful for such person to transfer the land to whomsoever he may like :

1 of 1894.

Provided that where the competent authority exercises within the period aforesaid the option to purchase such land the execution of the sale deed shall be completed and the payment of the purchase price thereof shall be made within a period of three months from the date on which such option is exercised.

Prohibition on transfer of urban property.

27. (*1*) Notwithstanding anything contained in any other law for the time being in force, no person shall transfer by way of sale, mortgage, gift, lease or otherwise, any urban or urbanisable land with any building (whether constructed before or after the commencement of this Act) for a period of ten years of such commencement or from the date on which the building is constructed, whichever is later, except with the previous permission in writing of the competent authority.

(*2*) Any person desiring to transfer any land referred to in sub-section (*1*), may make an application in writing to the competent authority in such form and in such manner as may be prescribed.

(*3*) On receipt of an application under sub-section (*2*), the competent authority may, after making such inquiry as it deems fit, by order in writing, grant or refuse to grant the permission applied for :

Provided that the competent authority shall not refuse to grant the permission applied for unless it has recorded in writing the reasons for doing so and a copy of the same has been communicated to the applicant.

(*4*) Where within a period of sixty days of the date of receipt of an application under this section the competent authority does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the competent authority shall be deemed to have granted the permission applied for.

(5) (*a*) Where the permission applied for is for the transfer of the land referred to in sub-section (*1*) by way of sale, and the competent authority is of the opinion that such permission may be granted, then, the competent authority shall have the first option to purchase such land on behalf of the State Government at such price as may be agreed upon between the competent authority and the applicant or, in a case where there is no such agreement, at such price calculated in accordance with the provisions of the Land Acquisition Act, 1894 or of any other corresponding law for the time being in force. 1 of 1894.

(*b*) If the option referred to in clause (*a*) is not exercised within a period of sixty days from the date of receipt of the application under this section, it shall be presumed that the competent authority has no intention to purchase such land on behalf of the State Government and it shall be lawful for such person to transfer the land to whomsoever he may like :

Provided that where the competent authority exercises within the period aforesaid the option to purchase such land, the execution of the sale deed shall be completed and the payment of the purchase price thereof shall be made within a period of three months from the date on which such option is exercised.

Regulation of registration of documents in certain cases.

28. Notwithstanding anything contained in any other law for the time being in force, where any document required to be registered under the provisions of clauses (*a*) to (*e*) of sub-section (*1*) of section 17 of the Registration Act, 1908, purports to transfer by way of sale, mortgage, gift, lease or otherwise any land,— 16 of 1908.

(*a*) in the case of any transfer referred to in section 26, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer evidence to show that he has given notice of the intended transfer to the competent authority under that section and, where such transfer is by way of sale, the period of sixty days referred to in sub-section (*2*) of that section has elapsed;

(*b*) in the case of any transfer referred to in section 27, no registering officer appointed under that Act shall register any such document unless the transferor produces before such registering officer the permission in writing of the competent authority for such transfer or satisfies the registering officer that the period of sixty days referred to in sub-section (*4*) of that section has elapsed.

Regulation of construction of buildings with dwelling units.

29. No person shall construct any building with a dwelling unit having a plinth area,—

(*a*) where the building proposed to be constructed is situated in an urban agglomeration falling within category A or category B specified in Schedule I, in excess of three hundred square metres;

(*b*) where the building proposed to be constructed is situated in an urban agglomeration falling within category C or category D specified in Schedule I, in excess of five hundred square metres.

Demolition and stoppage of buildings in certain cases and appeal.

30. (*1*) Where the construction of a building has been commenced on or after the commencement of this Act, and is carried on and completed in contravention of the provisions of section 29, the competent authority having jurisdiction over the area in which the building is situated may make an order directing that such construction shall be demolished, either wholly or partly, or modified by the person at whose instance the construction has been

commenced and is being carried on and completed, to the extent such demolition or modification does not contravene the provisions of that section, within such period (not being less than fifteen days and more than thirty days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to that person) as may be specified in the order for the demolition or modification :

Provided that no order for the demolition or modification shall be made unless the person has been given by means of a notice served in such manner as the competent authority may think fit, a reasonable opportunity of showing cause why such order shall not be made :

Provided further that, where the construction has not been completed, the competent authority may, by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct the person to stop the construction until the expiry of the period within which an appeal against the order for the demolition or modification, if made, may be preferred under sub-section (*2*).

(*2*) Any person aggrieved by an order of the competent authority made under sub-section (*1*) may prefer an appeal against the order to the Tribunal having jurisdiction over the area in which the building is situated within the period specified in the order for the demolition or modification of the construction to which it relates.

(*3*) Where an appeal is preferred under sub-section (*2*) against the order for the demolition or modification, the Tribunal may stay the enforcement of that order on such terms, if any, and for such period, as it may think fit:

Provided that, where the construction of any building has not been completed at the time of the making of the order for the demolition or modification, no order staying the enforcement of the order for the demolition or modification shall be made by the Tribunal unless security, sufficient in the opinion of the Tribunal, has been given by the appellant for not proceeding with such construction pending the disposal of the appeal.

(*4*) The provisions of sub-section (*5*) of section 12 and of section 13 shall apply to or in relation to an appeal preferred under sub-section (*2*) as they apply to or in relation to an appeal preferred under sub-section (*4*) of section 12.

(*5*) Save as provided in this section, no court shall entertain any suit, application or other proceeding for injunction or other relief against the competent authority to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(*6*) Where no appeal has been preferred against an order for the demolition or modification made by the competent authority under sub-section (*1*), or where an order for the demolition or modification made by the competent authority under that sub-section has been confirmed on appeal, whether with or without variation, the person against whom the order has been made shall comply with the order within the period specified therein, or, as the case may be, within the period, if any, fixed by the Tribunal or the High Court on appeal and on the failure of the person to comply with the order within such period, the competent authority may himself cause the construction to which the order relates to be demolished or modified and the expenses of such demolition or modification shall be recoverable from such person as an arrear of land revenue.

CHAPTER V

MISCELLANEOUS

Powers of competent authority.

31. The competent authority shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely :— 5 of 1908.

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copy thereof from any court or office;

(*e*) issuing commissions for the examination of witnesses or documents; and

(*f*) any other matter which may be prescribed.

Appeal.

32. (*1*) **Any person aggrieved by an order made by the competent authority under this Act, not being an order under section 11 or an order under sub-section (*1*) of section 30, may, within thirty days of the date on which the order is communicated to him, prefer an appeal to such authority as may be prescribed (hereafter in this section referred to as the appellate authority) :**

Provided that the appellate authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(*2*) On receipt of an appeal under sub-section (*1*), the appellate authority shall, after giving the appellant an opportunity of being heard, pass such orders thereon as it deems fit as expeditiously as possible.

(*3*) Every order passed by the appellate authority under this section shall be final.

Revision by State Government.

33. The State Government may, on its own motion, call for and examine the records of any order passed or proceeding taken under the provisions of this Act and against which no appeal has been preferred under section 12 or section 30 or section 32 for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such procedure and pass such order with respect thereto as it may think fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard in the matter.

Power of State Government to issue orders and directions to the competent authority.

34. The State Government may issue such orders and directions of a general character as it may consider necessary in respect of any matter relating to the powers and duties of the competent authority and thereupon the competent authority shall give effect to such orders and directions.

Power to give directions to State Government.

35. (*1*) The Central Government may give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of this Act or of any rule made thereunder.

(*2*) The Central Government may require any State Government to furnish such returns, statistics, accounts and other information, as may be deemed necessary.

Returns and reports.

36. The competent authority shall furnish to the State Government concerned such returns, statistics, accounts and other information as the State Government may, from time to time, require.

Offences and punishments.

37. (*1*) If any person acquires any vacant land otherwise than by any of the modes referred to in sub-section (*1*) of section 15 or under section 23 the extent of which by itself or together with the extent of the vacant land already held by him exceeds the ceiling limit, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(*2*) If any person who is under an obligation to file a statement under this Act fails, without reasonable cause or excuse, to file the statement within the time specified for the purpose, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both.

(*3*) If any person who, having been convicted under sub-section (*2*), continues to fail, without reasonable cause or excuse, to file the statement, he shall be punishable with fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

(*4*) If any person who is under an obligation to file a statement under this Act files a statement which he knows or has reasonable belief to be false, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(*5*) If any person contravenes any of the provisions of this Act for which no penalty has been expressly provided for, he shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

Offences by companies.

38. (*1*) Where an offence under this Act has been committed by a company every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" means any body corporate and includes a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

Indemnity.

39. No suit or other legal proceeding shall lie against the Government or any officer of Government in respect of anything which is in good faith done or intended to be done by or under this Act.

Cognizance of offences.

40. No court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the competent authority or any officer authorised by the competent authority in this behalf and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any such offence.

Act to override other laws.

41. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in any other law for the time being in force or any custom, usage or agreement or decree or order of a court, tribunal or other authority.

Court-fees.

42. Notwithstanding anything contained in the Court-fees Act, 1870, every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed. 7 of 1870.

Certain officers to be public servants.

43. Every officer acting under, or in pursuance of, the provisions of this Act or under the rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Correction of clerical errors.

44. Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act or errors arising therein from any accidental slip or omission may at any time be corrected by such officer or authority either on his or its own motion or on an application received in this behalf from any of the parties.

Power to make rules.

45. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the cultivation or growing of plant which will not be agriculture under clause (*A*) of the *Explanation* to clause (*o*) of section 2;

(*b*) the period within which the statement may be filed under section 6;

(*c*) the particulars to be mentioned in a statement referred to in sub-section (*1*) of section 6, sub-section (*2*) of section 8, sub-section (*1*) of section 15 and sub-section (*1*) of section 16;

(*d*) the manner of serving the draft statement under sub-section (*3*) of section 8;

(*e*) the manner of publishing the notification under sub-section (*1*) of section 10;

(*f*) the time within which the competent authority shall dispose of a case under sub-section (*9*) of section 11;

(*g*) the times during which the competent authority or any person acting under the orders of such authority may enter upon any vacant land under section 17;

(*h*) the time within which and the form and the manner in which a declaration under sub-section (*1*) of section 21 shall be made before the competent authority;

(*i*) the terms and conditions subject to which a person permitted under sub-section (*1*) of section 21 may hold land in excess of the ceiling limit;

(*j*) the form in which an application under sub-section (*1*) of section 24 may be made and the particulars to be mentioned in such application;

(*k*) the form and the manner in which an application for transfer of land may be made under sub-section (*2*) of section 27;

(*l*) the powers of the competent authority under clause (*f*) of section 31;

(*m*) the appellate authority under sub-section (*1*) of section 32;

(*n*) the value of the court-fee stamp to be affixed on an application, appeal or other proceeding under section 42;

(*o*) any other matter which is to be, or may be, provided for by rules under this Act.

(*3*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

46. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

(*2*) No order under sub-section (*1*) shall be made after the expiration of a period of two years from the commencement of this Act.

SCHEDULE I

[*See* sections 2 (*n*), 4, 11 and 29]

NOTE I.—An Urban Agglomeration is made up of main town together with the adjoining areas of urban growth and is treated as one urban spread. The population covered by such spreads is categorised as urban. Each such agglomeration may be made up of more than one statutory town, adjoining one another such as a Municipality and the adjoining Cantonment, etc., and also other urban growths such as a Railway Colony, University Campus, etc. Such outgrowths (O.G.) which did not qualify to be treated as individual towns in their own right and have pronounced urban characteristics are shown as constituents of the agglomeration.

NOTE II.—The following abbreviations have been used in this Schedule :—

C.	Corporation
Cantt.	Cantonment
C.B.	Cantonment Board
C.T.	Census Town
E.O.	Estate Office
G.P.	Gram Panchayat
M.	Municipality
M.B.	Municipal Board
M.C.	Municipal Committee
M.Corp.	Municipal Corporation
N. or N.C.	Notified Committee
N.A.C.	Notified Area Committee
N.A.	Notified Area
N.M.	Non-Municipal
N.P.	Nagar Panchayat
O.G.	Outgrowth
P.	Panchayat
S.B.	Sanitary Board
S.A.	Special Area
T.A.	Town Area
T.B.	Town Board
T.C.	Town Committee
T.P.	Town Panchayat
T.S.	Township
U.C.	Union Committee
U.A.	Urban Agglomeration
V.P.	Village Panchayat.

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
STATES :				
1. Andhra Pradesh	1. Hyderabad U.A.—		5 Kms.	B
	(*a*) Hyderabad—	M.Corp.		
	(*i*) Hyderabad Division			
	(*ii*) Secunderabad Division			
	(*b*) Secunderabad Cantonment	Cantt.		
	(*c*) Malkajgiri	P.		
	(*d*) Alwal	P.		
	(*e*) Uppal Khalsa	P.		
	(*f*) Balanagar	P.		
	(*g*) Fatehnagar	P.		
	(*h*) Macha Bolaram	P.		
	(*i*) Osmania University			
	(*j*) Lalaguda			
	(*k*) Kukatpalle	P.		
	(*l*) Moosapet	P.		
	(*m*) Bowenpalle			
	(*n*) Zamistanpur			
	2. Visakhapatnam U.A.—		5 Kms.	C
	(*a*) Visakhapatnam—			
	(*i*) Visakhapatnam	M.		
	(*ii*) Gajuvaka (O.G.)			
	(*b*) Gopalapatnam	P.		
	3. Vijayawada U.A.—		5 Kms.	C
	(*a*) Vijayawada	M.		
	(*b*) Patamata	P.		
	(*c*) Gunadala	P.		
	4. Guntur	M.	1 Km.	D
	5. Warangal	M.	1 Km.	D
2. Assam	Gauhati U.A.—		1 Km.	D
	(*a*) Gauhati—			
	(*i*) Gauhati	M.		
	(*ii*) New Gauhati Railway Colony (O.G.)			
	(*iii*) Bamunimaidan (O.G.)			
	(*iv*) Japarigog (Part) (O.G.)			
	(*v*) Noonmati (O.G.)			
	(*vi*) Ulubari (O.G.)			
	(*vii*) Refinery Colony (O.G.)			
	(*viii*) Dispur (O.G.)			
	(*ix*) Maligoan (O.G.)			
	(*x*) Ramchahil Grant (O.G.)			

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
2. Assam—*contd.*	Gauhati U.A.—*contd.*			
	(*b*) Pandu—			
	(*i*) Pandu			
	(*ii*) Gauhati University (Uttar Maj and Pachim Jhalukbari) (O.G.)			
	(*iii*) Maligaon (O.G.)			
	(*iv*) Sadilapu (O.G.)			
	(*v*) Garpandu Kumarpara (O.G.)			
	(*c*) Kamakhya	T.C.		
3. Bihar	1. Patna U.A.—		5 Kms.	C
	(*a*) Patna—			
	(*i*) Patna	M.Corp.		
	(*ii*) Pataliputra Housing Colony			
	(*b*) Phulwari			
	2. Ranchi U.A.—		1 Km.	D
	(*a*) Ranchi	M.		
	(*b*) Jagannathnagar			
	(*c*) Doranda	N.		
	3. Dhanbad U.A.—		5 Kms.	C
	(*a*) Dhanbad	M.		
	(*b*) Kerkand			
	(*c*) Sindri	N.		
	(*d*) Jharia	N.		
	(*e*) Jorapokhar			
	(*f*) Tisra			
	(*g*) Bhowrah			
	(*h*) Bhuli			
	(*i*) Loyabad			
	(*j*) Bhagatdih			
	(*k*) Jamadoba			
	(*l*) Sijua			
	(*m*) Pathardih			
	(*n*) Kenduadih			
	(*o*) Bera			
	4. Jamshedpur U.A.—		5 Kms.	C
	(*a*) Jamshedpur—			
	(*i*) Jamshedpur Notified Area	N.		
	(*ii*) Railway Colony (O.G.)			
	(*b*) Adityapur	N.		
	(*c*) Bagbera			
	(*d*) Jugsalai	N.		
	(*e*) Kalimati			

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
4. Gujarat	1. Jamnagar U.A.—		1 Km.	D
	(*a*) Jamnagar—			
	(*i*) Jamnagar	M.		
	(*ii*) Jamnagar (O.G.)			
	(*iii*) Railway Colony (O.G.)			
	(*iv*) Port Area (O.G.)			
	(*b*) Bedi	N.P.		
	2. Rajkot	M.	5 Kms.	C
	3. Bhavanagar U.A.—		1 Km.	D
	(*i*) Bhavanagar	M.		
	(*ii*) Ruva (O.G.)			
	4. Ahmedabad U.A.—		5 Kms.	B
	(*a*) Ahmedabad—			
	(*i*) Ahmedabad	M.Corp.		
	(*ii*) Rajpur Hirpur (O.G.)			
	(*iii*) Bagefardosh (O.G.)			
	(*iv*) Rakhial (O.G.)			
	(*v*) Asarwa (O.G.)			
	(*vi*) Khokhara Mehmedabad (O.G.)			
	(*b*) Sardarnagar	N.A.C.		
	(*c*) Sahijpur Bogha	N.P.		
	(*d*) Naroda	N.P.		
	(*e*) Danilimbda	V.P.		
	(*f*) Odhav	V.P.		
	(*g*) Ahmedabad Cantonment	Cantt.		
	(*h*) Ranip	V.P.		
	5. Vadodara U.A.—		5 Kms.	C
	(*a*) Vadodara	M.Corp.		
	(*b*) Makarpura (O.G.)			
	6. Surat U.A.—		5 Kms.	C
	(*a*) Surat	M.Corp.		
	(*b*) Udhana	V.P.		
	(*c*) Katargam	V.P.		
5. Jammu and Kashmir	Srinagar U.A.—		5 Kms.	C
	(*a*) Srinagar—			
	(*i*) Srinagar	M.C.		
	(*ii*) Natipora (O.G.)			
	(*iii*) Bagat Barzala (O.G.)			
	(*iv*) Bemina (O.G.)			
	(*v*) Kursu Padshahi Bagh (O.G.)			
	(*b*) Badamibagh Cantonment	Cantt.		

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
6. Karnataka	1. Bangalore U.A.—		5 Kms.	B
	(*a*) Bangalore City Corporation and Trust Board Area	M.Corp.		
	(*b*) H.A.L. Sanitary Board (excluding H.A.L. Township)	S.B.		
	(*c*) Devarajeevanahalli	T.P.		
	(*d*) H.A.L. Township	S.A.		
	(*e*) Jalahalli (excluding H.M.T. Township)	P.		
	(*f*) H.M.T. Township	S.A.		
	(*g*) I.T.I. Notified Area Committee (Duravaninagar)	N.A.C.		
	(*h*) B.E.L. Township	S.A.		
	(*i*) Kadugondanahalli	P.		
	2. Mysore	M.	5 Kms.	C
	3. Mangalore U.A.—		1 Km.	D
	(*a*) Mangalore	M.		
	(*b*) Ullal	T.P.		
	(*c*) Padavu	T.P.		
	(*d*) Kankanadi	P.		
	(*e*) Derebail	P.		
	4. Belgaum U.A.—		1 Km.	D
	(*a*) Belgaum	M.		
	(*b*) Belgaum Cantonment	C.B.		
	5. Hubli-Dharwar	M.Corp.	5 Kms.	C
7. Kerala	1. Calicut	C.	5 Kms.	C
	2. Cochin	C.	5 Kms.	C
	3. Trivandrum	C.	5 Kms.	C
8. Madhya Pradesh	1. Gwalior U.A.—		5 Kms.	C
	(*i*) Gwalior	M.Corp.		
	(*ii*) Morar (O.G.)			
	(*iii*) Jaderua Kalan (O.G.)			
	(*iv*) Mudia Pahad (O.G.)			
	(*v*) Girwai (O.G.)			
	(*vi*) Ajaipur (O.G.)			
	(*vii*) Birpur (O.G.)			
	(*viii*) Bhoderi (O.G.)			
	(*ix*) Jaderua Khurd (O.G.)			
	(*x*) Melara (O.G.)			
	(*xi*) Sewage Farm (O.G.)			

State/Union territory	Towns	Peripheral area	Category
(1)	(2)	(3)	(4)
8. Madhya Pradesh—*contd.*	1. Gwalior U. A.—*contd.*		
	(*xii*) Kishenbag (O.G.)		
	(*xiii*) Rajman (O.G.)		
	(*xiv*) Kalyanbag (O.G.)		
	2. Ujjain U.A.—	1 Km.	D
	(*i*) Ujjain	M.Corp.	
	(*ii*) Railway Colony (O.G.)		
	(*iii*) Nagziri (O.G.)		
	(*iv*) Panwasa (O.G.)		
	(*v*) Malanwasa (O.G.)		
	(*vi*) Lalpur (O.G.)		
	(*vii*) Goyala (O.G.)		
	3. Indore U.A.—	5 Kms.	C
	(*i*) Indore	M.Corp.	
	(*ii*) Piplaya Hana (O.G.)		
	(*iii*) Sukliya (O.G.)		
	(*iv*) Bijalpur (O.G.)		
	(*v*) Khajrana (O.G.)		
	(*vi*) Savind Nagar (O.G.)		
	(*vii*) Sirpur (O.G.)		
	(*viii*) Banganga (O.G.)		
	(*ix*) Hukumkhedi (O.G.)		
	4. Bhopal U.A.—	5 Kms.	C
	(*a*) Bhopal—		
	(*i*) Bhopal	M.Corp.	
	(*ii*) Sevania Gond (O.G.)		
	(*iii*) Hatiakheda (O.G.)		
	(*iv*) Singarcholi (O.G.)		
	(*v*) Halapur (O.G.)		
	(*vi*) Chhola (O.G.)		
	(*vii*) Neori (O.G.)		
	(*viii*) Kararia urf Sajidabad (O.G.)		
	(*ix*) Nareea Shankri (O.G.)		
	(*x*) Nishatpura (O.G.)		
	(*xi*) Bhanpur (O.G.)		
	(*xii*) Kolua Khurd (O.G.)		
	(*xiii*) Nayapura (O.G.)		
	(*xiv*) Semra Kalan (O.G.)		
	(*xv*) Kohphija (O.G.)		
	(*b*) Govindpura (H.E.L.)	N.M.	
	(*c*) Bairagarh—		
	(*i*) Bairagarh	N.A.	
	(*ii*) Bairagarh Kalan (O.G.)		

State/Union territory	Towns	Peripheral area	Category
(1)	(2)	(3)	(4)
8. Madhya Pradesh -*contd.*	4. Bhopal U.A.—*contd.*		
	(*c*) Bairagarh—*contd.*		
	(*iii*) Gondermau (O.G.)		
	(*iv*) Laukhedi (O.G.)		
	(*v*) Pipalner (O.G.)		
	5. Jabalpur U.A.—	5 Kms.	C
	(*a*) Jabalpur—		
	(*i*) Jabalpur M.Corp.		
	(*ii*) Heavy Vehicle Factory area (Richhai-Madhai) (O.G.)		
	(*iii*) Manegaon (O.G.)		
	(*iv*) Maharajpur (O.G.)		
	(*v*) Bilpura (O.G.)		
	(*vi*) Amkhera (O.G.)		
	(*vii*) Suhagi (O.G.)		
	(*viii*) Karmeta (O.G.)		
	(*ix*) Regwa (O.G.)		
	(*x*) Kheri (O.G.)		
	(*xi*) Pipariya (O.G.)		
	(*b*) Jabalpur Cantonment Cantt.		
	(*c*) Khamaria—		
	(*i*) Khamaria (O.F.A.) N.M.		
	(*ii*) Khamaria (G.C.F.)(O.G.)		
	(*iii*) Pipariya (O.G.)		
	(*iv*) Tighra (O.G.)		
	(*v*) Ghana (O.G.)		
	6. Durg-Bhilainagar U.A.—	1 Km.	D
	(*a*) Bhilainagar—		
	(*i*) Bhilainagar N.M.		
	(*ii*) Bhilaigaon (O.G.)		
	(*iii*) Supela (O.G.)		
	(*iv*) Kohka (O.G.)		
	(*v*) Chhaoni (O.G.)		
	(*b*) Durg—		
	(*i*) Durg M.		
	(*ii*) Urla (O.G.)		
	(*iii*) Baghera (O.G.)		
	7. Raipur U.A.—	1 Km.	D
	(*i*) Raipur M.Corp.		
	(*ii*) Railway Colony (O.G.)		
	(*iii*) Telebandha (O.G.)		
	(*iv*) Pandri-Tarai (O.G.)		
	(*v*) Khamtarai (O.G.)		
	(*vi*) Kota (O.G.)		

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
8. Madhya Pradesh—*concld.*	7. Raipur U.A.—*contd.*			
	(*vii*) Chirhuldih (O.G.)			
	(*viii*) Shankar Nagar (O.G.)			
	(*ix*) Dumartalab (O.G.)			
	(*x*) Mowa (O.G.)			
	(*xi*) Dungania (O.G.)			
	(*xii*) ESD Kapa (O.G.)			
	(*xiii*) Tatibandh (O.G.)			
	(*xiv*) Hirapur (O.G.)			
	(*xv*) Lalpur (O.G.)			
9. Maharashtra	1. Greater Bombay	M.Corp.	8 Kms.	A
	2. Ulhasnagar U.A. –		5 Kms.	C
	(*a*) Ulhasnagar	M.		
	(*b*) Kalyan	M.		
	(*c*) Ambarnath	M.		
	(*d*) Dombivli	M.		
	(*e*) Mohone			
	(*f*) Katemanivali			
	3. Poona U.A. –		5 Kms.	B
	(*a*) Poona	M.Corp.		
	(*b*) Pimpri-Chinchwad New Township	M.		
	(*c*) Poona Cantonment	Cantt.		
	(*d*) Kirkee Cantonment	Cantt.		
	(*e*) Dehu Road Cantonment	Cantt.		
	(*f*) Lohagaon			
	(*g*) Khadakvasla			
	(*h*) Dehu			
	4. Thana U.A. –		1 Km.	D
	(*a*) Thana	M.		
	(*b*) Majivade			
	(*c*) Kalwa			
	5. Nasik U.A.—		1 Km.	D
	(*a*) Nasik	M.		
	(*b*) Nasik Road Deolali	M.		
	(*c*) Deolali Cantonment	Cantt.		
	(*d*) Bhagur	M.		
	6. Sangli U.A. –		1 Km.	D
	(*a*) Sangli	M.		
	(*b*) Miraj	M.		
	(*c*) Madhavnagar			
	7. Sholapur	M.Corp.	5 Kms.	C

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
9. Maharashtra—*contd.*	8. Kolhapur U.A.—		1 Km.	D
	(*a*) Kolhapur	M.		
	(*b*) Gandhinagar			
	9. Nagpur U.A.—		5 Kms.	C
	(*a*) Nagpur	M.Corp.		
	(*b*) Kamptee	M.		
	(*c*) Kamptee Cantonment	Cantt.		
10. Orissa	Cuttack U.A.—		1 Km.	D
	(*i*) Cuttack	M.		
	(*ii*) Cuttack Industrial Estate (O.G.)			
	(*iii*) Cuttack C.R.R.I. and other Government Colony (O.G.)			
11. Punjab	1. Amritsar U.A.—		5 Kms.	C
	(*a*) Amritsar—			
	(*i*) Amritsar	M.C.		
	(*ii*) Adarsh Nagar (O.G.)			
	(*iii*) Rajinder Nagar (O.G.)			
	(*iv*) Batala Road (O.G.)			
	(*v*) Khanna Nagar (O.G.)			
	(*vi*) Dolunji (O.G.)			
	(*vii*) Quarters Rattan Chand and Bihari Lal and Power House (O.G.)			
	(*viii*) Kotmit Singh (O.G.)			
	(*ix*) Gobind Nagar (O.G.)			
	(*x*) Mohkampura (O.G.)			
	(*xi*) Gopal Nagar (O.G.)			
	(*xii*) Kangra Colony (O.G.)			
	(*xiii*) Kot Amar Singh (O.G.)			
	(*xiv*) Dhaipai (O.G.)			
	(*xv*) Jaura Phatik (O.G.)			
	(*xvi*) Bhawani Nagar (O.G.)			
	(*xvii*) Mustafabad Tuni Pain (O.G.)			
	(*xviii*) Shiv Nagar (O.G.)			
	(*xix*) Quarter Railway Line Kot Khalsa (O.G.)			
	(*xx*) Guru Arjan Nagar (O.G.)			
	(*xxi*) Mustafabad (O.G.)			
	(*xxii*) Vijay Nagar (O.G.)			
	(*xxiii*) Anand Nagar (O.G.)			
	(*b*) Chheharta	M.C.		
	(*c*) Amritsar Cantonment	C.B.		

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
11. Punjab—*contd.*	2. Ludhiana U.A.—		5 Kms.	C
	(*i*) Ludhiana	M.C.		
	(*ii*) Basti Jodhewal (O.G.)			
	(*iii*) Industrial Area A. & C. (O.G.)			
	(*iv*) Janta Colony (O.G.)			
	(*v*) Railway Huts (O.G.)			
	3. Jullundur	M.C.	1 Km.	D
12. Rajasthan	1. Bikaner U.A.—		1 Km.	D
	(*a*) Bikaner	M.		
	(*b*) Gangashahar	M.		
	(*c*) Bhinasar	M.		
	2. Jaipur U.A.—		5 Kms.	C
	(*a*) Jaipur	M.		
	(*b*) Sanganer	C.T.		
	(*c*) Amber	M.		
	3. Ajmer U.A.—		1 Km.	D
	(*i*) Ajmer	M.		
	(*ii*) Subhash Nagar (O.G.)			
	(*iii*) Regional College (O.G.)			
	4. Jodhpur	M.	5 Kms.	C
	5. Kota	M.	1 Km.	D
13. Tamil Nadu	1. Madras U.A.—		8 Kms.	A
	(1) Madras	M.Corp.		
	(2) Thiruvattiyur	M.		
	(3) Avadi	T.S.		
	(4) Alandur	M.		
	(5) Tambaram	M.		
	(6) Pallavapuram	M.		
	(7) Ambattur	T.S.		
	(8) Villivakkam	P.		
	(9) St. Thomas Mount-*cum*-Pallavaram Cantonment	Cantt.		
	(10) Madhavaram	P.		
	(11) Poovirundhavalli	P.		
	(12) Thiruvanmiyur	P.		
	(13) Kunrathur	P.		
	(14) Anakaputhur	P.		
	(15) Kodambakkam	P.		
	(16) Naravarikuppam	P.		

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
13. Tamil Nadu—*contd.*	1. Madras U.A.—*contd.*			
	(17) Thirumazhisai	P.		
	(18) Pammal	P.		
	(19) Saligramam	P.		
	(20) Velacheri	P.		
	(21) Virugambakkam	P.		
	(22) Kodungaiyur	P.		
	(23) Oragadam	P.		
	(24) Thiruninravur	P.		
	(25) Polal	P.		
	(26) Erukkancheri	P.		
	(27) Thiruneermalai	P.		
	(28) Chithalapakkam	P.		
	(29) Nerkundram	P.		
	(30) Koyambedu	P.		
	(31) Perungalathur	P.		
	(32) Vallanur	P.		
	(33) Peerkankaranai	P.		
	(34) Sennirkuppam	P.		
	(35) Nazarethpettai	P.		
	(36) Sembarambakkam	P.		
	(37) Polichalur	P.		
	(38) Kannapalayam	P.		
	(39) Meenambakkam	P.		
	(40) Pallikaranai	P.		
	(41) Thirusulam	P.		
	(42) Thirumangalam	P.		
	(43) Kattupakkam	P.		
	(44) Kathivakkam	P.		
	(45) Melmanambedu	P.		
	(46) Soranjeri	P.		
	(47) Kathirvedu	P.		
	(48) Perungudi	P.		
	(49) Nadukkuthagai	P.		
	(50) Matthur	P.		
	(51) Varadharajapuram	P.		
	(52) Thiruverkadu	P.		
	(53) Veeraragavapuram	P.		
	(54) Vengavasal	P.		
	(55) Nemilicheri	P.		
	(56) Sadayankuppam	P.		
	(57) Mudichur	P.		
	(58) Madipakkam	P.		
	2. Salem U.A.—		5 Kms.	C
	(*a*) Salem	M.		
	(*b*) Suramangalam	P.		
	(*c*) Jarikondalampatti	P.		

State/Union territory	Towns	Peripheral area	Category
(1)	(2)	(3)	(4)
13. Tamil Nadu—*contd.*	2. Salem U.A.—*contd.*		
	(*d*) Annadanapatti	P.	
	(*e*) Ammapalayam	P.	
	(*f*) Ammapet	P.	
	(*g*) Puthur	P.	
	(*h*) Kondalampatti	P.	
	(*i*) Thadampatti	P.	
	(*j*) Alagapuram	P.	
	(*k*) Neikarapatti	P.	
	(*l*) Sivadapuram	P.	
	(*m*) Meyyanur	P.	
	(*n*) Komarasamipatti	P.	
	(*o*) Kandampatti	P.	
	(*p*) Reddipatti	P.	
	(*q*) Narasojipatti	P.	
	(*r*) Pallapatti	P.	
	3. Coimbatore U.A.—	5 Kms.	C
	(*a*) Coimbatore	M.	
	(*b*) Singanallur	M.	
	(*c*) Kurichi	P.	
	(*d*) Telungupalayam	P.	
	(*e*) Sanganur	P.	
	(*f*) Kuniamuthur	P.	
	(*g*) Ganapathy	P.	
	(*h*) Madukkarai	T.S.	
	(*i*) Komarapalayam	P.	
	(*j*) Vellalore	P.	
	(*k*) Sulur	P.	
	(*l*) Perianaickenpalayam	P.	
	(*m*) Kurudumpalayam	P.	
	(*n*) Kavundampalayam	P.	
	(*o*) Vilankuruchi	P.	
	(*p*) Veerakeralam	P.	
	(*q*) Perur Chettipalayam	P.	
	(*r*) Perur	P.	
	(*s*) Chinnavedampatti	P.	
	(*t*) Narasimhanaickenpalayam	P.	
	(*u*) Pallapalayam	P.	
	(*v*) Coimbatore	N.M.	
	(*w*) Muthugounden Pudur Railway Colony	Southern Railway Administration	
	4. Madurai U.A.—	5 Kms.	C
	(*a*) Madurai	M.C.	
	(*b*) Madakulam	P.	
	(*c*) Avaniapuram	P.	
	(*d*) Tirupparankundram	P.	

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
13. Tamil Nadu—*concld.*	4. Madurai U.A.—*contd.*			
	(*e*) Thallakkulam	P.		
	(*f*) Ponmeni	P.		
	(*g*) Paravai	P.		
	(*h*) Vilangudi	P.		
	(*i*) Samayanallur	P.		
	(*j*) Sathamangalam	P.		
	(*k*) Beebikulam	P.		
	(*l*) Harveypatti	T.S.		
	(*m*) Tirunagar	P.		
	(*n*) Thathaneri	P.		
	(*o*) Thiagarajar Colony	P.		
	5. Tiruchirapalli U.A.—		5 Kms.	C
	(*a*) Tiruchirapalli	M.		
	(*b*) Srirangam	M.		
	(*c*) Ponmalai	P.		
	(*d*) Golden Rock Railway Colony	Southern Railway Administration		
	(*e*) Ariyamangalam	P.		
	(*f*) Alathur	P.		
	(*g*) Abishekapuram	P.		
	(*h*) Pirattiyur	P.		
	(*i*) Ulkadai Ariyamangalam	P.		
	6. Tirunelveli U.A.—		1 Km.	D
	(*a*) Tirunelveli	M.		
	(*b*) Palayamkottai	M.		
	(*c*) Melapalayam	M.		
	(*d*) Thatchanallur	P.		
	(*e*) Naranammalpuram	P.		
	(*f*) Thalaiyuthu	P.		
	(*g*) Palayamkottai (N.M.)	N.M.		
	(*h*) Sankarnagar	T.S.		
	(*i*) Alaganeri	P.		
	(*j*) Melanatham	P.		
	(*k*) Pettai	P.		
14. Uttar Pradesh	1. Moradabad U.A.—		1 Km.	D
	(*a*) Moradabad	M.B.		
	(*b*) Moradabad Railway Settlement	N.A.		
	2. Bareilly U.A.—		5 Kms.	C
	(*a*) Bareilly M.B. and Northern Railway Colonies—			
	(*i*) Bareilly	M.B.		
	(*ii*) Northern Railway Colony			

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
14. Uttar Pradesh—*contd.*	2. Bareilly U.A.—*contd.*			
	(*b*) Bareilly Cantonment	Cantt.		
	(*c*) Izatnagar Railway Settlement	N.A.		
	3. Dehra Dun U.A.—		1 Km.	D
	(*a*) Dehra Dun M.B. & Forest Research Institute & College Area—			
	(*i*) Dehra Dun	M.B.		
	(*ii*) Forest Research Institute & College Area			
	(*b*) Dehra Dun Cantonment	Cantt.		
	4. Meerut U.A.—		5 Kms.	C
	(*a*) Meerut	M.B.		
	(*b*) Meerut Cantonment	Cantt.		
	(*c*) Malyana			
	5. Agra U.A.—		5 Kms.	C
	(*a*) Agra	M.Corp.		
	(*b*) Agra Cantonment	Cantt.		
	(*c*) Dayalbagh	T.A.		
	(*d*) Swamibagh	T.A.		
	6. Kanpur U.A.—		5 Kms.	B
	(*a*) Kanpur M.C., Rawatpur Stationyard and Central Railway Colony—			
	(*i*) Kanpur	M.Corp.		
	(*ii*) Rawatpur Stationyard			
	(*iii*) Central Railway Colony			
	(*b*) Kanpur Cantonment	Cantt.		
	(*c*) Armapur Estate			
	(*d*) Northern Railway Colony			
	(*e*) Chakeri			
	(*f*) I.I.T. Kanpur			
	7. Allahabad U.A.—		5 Kms.	C
	(*a*) Allahabad (M.C.) and Subedarganj Railway Colony—			
	(*i*) Allahabad	M.Corp.		
	(*ii*) Subedarganj Railway Colony			
	(*b*) Allahabad Cantonment	Cantt.		
	8. Lucknow U.A.—		5 Kms.	C
	(*a*) Lucknow	M.Corp.		
	(*b*) Lucknow Cantonment	Cantt.		
	(*c*) Charbagh Alambagh	N.A.		
	9. Gorakhpur	M.B.	1 Km.	D
	10. Varanasi U.A.—		5 Kms.	C
	(*a*) Varanasi M.C. and Varanasi Railway Colony—			
	(*i*) Varanasi	M.Corp.		

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
14. Uttar Pradesh—*concld.*	10. Varanasi U.A.—*contd.*			
	(*ii*) Varanasi Railway Colony			
	(*b*) Banaras Hindu University			
	(*c*) Varanasi Cantonment	Cantt.		
	11. Aligarh	M.B.	1 Km.	D
	12. Saharanpur	M.B.	1 Km.	D
15. West Bengal	1. Calcutta U.A.—		8 Kms.	A
	(1) Calcutta	M.Corp.		
	(2) Howrah	M.Corp.		
	(3) South Suburban	M.		
	(4) Bhatpara	M.		
	(5) South Dum Dum	M.		
	(6) Kamarhati	M.		
	(7) Garden Reach	M.		
	(8) Panihati	M.		
	(9) Baranagar	M.		
	(10) Hooghly Chinsura	M.		
	(11) Serampore	M.		
	(12) Barrackpur	M.		
	(13) Titagarh	M.		
	(14) Naihati	M.		
	(15) Kanchrapara	M.		
	(16) North Barrackpur	M.		
	(17) Chandannagar	M.Corp.		
	(18) Halisahar	M.		
	(19) Uttarpara-Kotrung	M.		
	(20) North Dum Dum	M.		
	(21) Rishra	M.		
	(22) Bansberia	M.		
	(23) Panchur	N.M.		
	(24) Champdani	M.		
	(25) Baidyabati	M.		
	(26) Bhadreswar	M.		
	(27) Garulia	M.		
	(28) Baly	N.M.		
	(29) Konnagar	M.		
	(30) Khardaha	M.		
	(31) Dum Dum	M.		
	(32) Deulpara	N.M.		
	(33) Barrackpur Cantonment	Cantt.		
	(34) Kasba	N.M.		
	(35) Garfa	N.M.		
	(36) Sultanpur	N.M.		
	(37) Kalyani	N.M.		
	(38) Bansdroni	N.M.		
	(39) Santoshpur	N.M.		
	(40) Rajapur	N.M.		
	(41) Jadabpur	N.M.		

State/Union territory	Towns		Peripheral area	Category
(1)	(2)		(3)	(4)
15. West Bengal—*contd.*	1. Calcutta U.A.—*contd.*			
	(42) Bademasar	N.M.		
	(43) Ichhapur Defence Estate	N.M.		
	(44) Jagannathgarh	N.M.		
	(45) Sarenga	N.M.		
	(46) Makhla	N.M.		
	(47) Nabagram Colony	N.M.		
	(48) Sankrail	N.M.		
	(49) Kolara	N.M.		
	(50) Bankra	N.M.		
	(51) Nibra	N.M.		
	(52) Kambahari	N.M.		
	(53) Manikpur	N.M.		
	(54) Banupur	N.M.		
	(55) Patulia	N.M.		
	(56) Chakapara	N.M.		
	(57) Mahiari	N.M.		
	(58) Dhuilya	N.M.		
	(59) Garui	N.M.		
	(60) Gardaha	N.M.		
	(61) Krishnagar	N.M.		
	(62) Jhorhat	N.M.		
	(63) Madrail Fingapara	N.M.		
	(64) Chakdaha	N.M.		
	(65) Masila	N.M.		
	(66) Purba Putiari	N.M.		
	(67) Bisarpara	N.M.		
	(68) Panpur	N.M.		
	(69) Bandra	N.M.		
	(70) Kerulia	N.M.		
	(71) Dum Dum Aerodrome Area	N.M.		
	(72) Podara	N.M.		
	(73) Andul	N.M.		
	(74) Narayanpur	N.M.		
	2. Asansol U.A.—		1 Km.	D
	(*a*) Asansol	M.		
	(*b*) Outer Burnpur	N.M.		
	(*c*) Burnpur	N.M.		
	3. Durgapur	N.A.	1 Km.	D
UNION TERRITORIES :				
1. Chandigarh	Chandigarh U.A.—		1 Km.	D
	(*a*) Chandigarh	E.O.		
	(*b*) Manimajra	P.		
2. Delhi	Delhi U.A.—		8 Kms.	A
	(*a*) Delhi	M.Corp.		
	(*b*) New Delhi	M.C.		
	(*c*) Delhi Cantonment	C.B.		

SCHEDULE II

[*See* section 11(*2*)]

PRINCIPLES FOR DETERMINATION OF THE NET AVERAGE ANNUAL INCOME

1. The competent authority shall first determine the gross income actually derived by the holder of the vacant land acquired during the period of five consecutive years referred to in clause (*a*) of sub-section (*1*) of section 11 including any income from any produce derived from cultivation of the land during the said period.

2. For such determination the competent authority may—

(*a*) hold any local inquiry and obtain, if necessary, certified copies of extracts from the property tax assessment books of the municipal or other local authority concerned showing the rental value of such land;

(*b*) estimate the income from any produce from such land, after holding such local inquiry and taking such evidence as it thinks fit and after giving an opportunity to the person concerned of being heard in the matter.

3. The net average annual income referred to in clause (*a*) of sub-section (*1*) of section 11 shall be sixty per cent. of the average annual gross income which shall be one-fifth of the gross income during the five consecutive years as determined by the competent authority under paragraph 1.

4. Forty per cent. of the gross annual income referred to above shall not be taken into consideration in determining the net average annual income but shall be deducted in lieu of the expenditure which the holder of the vacant land would normally incur for payment of any tax to the municipal or other local authority and for collection and other charges including cultivation charges.

STATEMENT OF OBJECTS AND REASONS

There has been a demand for imposing a ceiling on urban property also, especially after the imposition of a ceiling on agricultural lands by the State Governments. With the growth of population and increasing urbanisation, a need for orderly development of urban areas has also been felt. It is, therefore, considered necessary to take measures for exercising social control over the scarce resource of urban land with a view to ensuring its equitable distribution amongst the various sections of society and also avoiding speculative transactions relating to land in urban agglomerations.

With a view to ensuring uniformity in approach Government of India addressed the State Governments in this regard; eleven States have so far passed resolutions under article 252(1) of the Constitution empowering Parliament to undertake legislation in this behalf. The present proposal is to enact a parliamentary legislation in pursuance of these resolutions.

The Bill is intended to achieve the following objectives:—

(*i*) to prevent concentration of urban property in the hands of a few persons and speculation and profiteering therein;

(*ii*) to bring about socialisation of urban land in urban agglomerations to subserve the common good by ensuring its equitable distribution;

(*iii*) to discourage construction of luxury housing leading to conspicuous consumption of scarce building materials and to ensure the equitable utilisation of such materials; and

(*iv*) to secure orderly urbanisation.

The Bill mainly provides for the following :—

(*i*) imposition of a ceiling on both ownership and possession of vacant land in urban agglomerations, the ceiling being on a graded basis according to the classification of the urban agglomeration;

(*ii*) acquisition of the excess vacant land by the State Government with powers to dispose of the vacant land to subserve the common good;

(*iii*) payment of an amount for the acquisition of the excess vacant land, in cash and in bonds;

(*iv*) granting exemptions in respect of certain specific categories of vacant land;

(*v*) regulating the transfer of vacant land within the ceiling limit;

(*vi*) regulating the transfer of urban or urbanisable land with any building (whether constructed before or after the commencement of the proposed legislation), for a period of 10 years from the commencement of the legislation or the construction of the building, whichever is later;

(*vii*) restricting the plinth area for the construction of future residential buildings; and

(*viii*) other procedural and miscellaneous matters.

The notes on clauses appended to the Bill explain in detail the provisions thereof.

NEW DELHI ; K. RAGHURAMAIAH.
The 12th January, 1976.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 1/8/74-UCU, dated the 21st January, 1976 from Shri K. Raghu Ramaiah, Minister of Works, Housing and Parliamentary Affairs to the Secretary-General, Lok Sabha.]

The President has, in pursuance of clauses (1) and (3) of article 117 of the Constitution of India, recommended the introduction and consideration of the Urban Land (Ceiling and Regulation) Bill, 1976

Notes on clauses

Clause 1.—Sub-clause (2) of this clause provides for the application of the proposed law. The proposed law will apply in the first instance to the States mentioned in sub-clause (2) and to the Union territories. The law will also apply to such other State which may adopt the same by a resolution passed under clause (1) of article 252 of the Constitution.

Under sub-clause (3), the proposed law will come into force at once in the States mentioned therein and in the Union territories and will come into force in any other State which adopts the same, on the date of such adoption.

Clause 2.—This clause provides for the definitions of certain expressions used in the Bill like "ceiling limit", "urban agglomeration", "vacant land", etc. Under sub-clause (*q*), "vacant land" means land, not being land mainly used for the purposes of agriculture, in an urban agglomeration, but does not include land on which construction of a building is not permissible under the building regulations in force in the area in which such land is situated and land occupied by any building which has been constructed before, or is being constructed on, the appointed day (which will be the date of introduction of the Bill in relation to the States to which the proposed law will apply in the first instance and the date of adoption in relation to the States which subsequently adopt the law) with the approval of the appropriate authority and the land appurtenant to such building. So much portion of the land situated in a village within an urban agglomeration which is used immediately before the appointed day for the purpose of keeping cattle will not be considered as vacant land.

Clause 3.—Under sub-clause (*l*) of clause 2 read with this clause, no person shall be entitled to own any vacant land or to possess any vacant land as owner or as tenant or as mortgagee or under an irrevocable power of attorney or under a hire-purchase agreement or partly in one capacity and partly in any other capacity or capacities, in excess of the ceiling limit.

Clause 4.—Sub-clause (1) of this clause provides for the ceiling limit in different categories of urban agglomerations. In respect of categories A, B, C and D, the ceiling limit will be 500 square metres, 1,000 square metres, 1,500 square metres and 2,000 square metres respectively.

Sub-clause (2) provides for the computation of ceiling limit in cases where a person holds vacant land in different categories of urban agglomerations.

Sub-clause (3) provides that where in respect of any vacant land any scheme for group housing has been sanctioned by an authority competent in this behalf immediately before the commencement of the proposed law, the person holding such vacant land at such commencement shall be entitled to continue to hold such land for the purpose of group housing. In such a case, the extent of vacant land shall not exceed the extent required under the building regulations governing such group housing or the extent calculated by multiplying the number of units of accommodation in the group housing and the appropriate ceiling limit, whichever is less.

Under sub-clause (4), in any State to which this law applies in the first instance, if, on or after the 17th February, 1975 but before the date of introduction of the Bill, any person has made any transfer (other than a *bona fide* sale) of any vacant land held by him, then, for the purpose of calculating the extent of vacant land held by such person, the land so transferred shall be taken into account as being held by him.

Sub-clauses (5), (6), (7) and (3) provide for the taking into account of the share of any person who is a member of any firm or an unincorporated association of individuals holding vacant land or is a beneficiary of a private trust holding vacant land, or is a member of a Hindu undivided family holding vacant land or is a member of a housing co-operative society which has allotted to him vacant land.

Clause 5.—This clause prohibits certain transfers of vacant land.

Under sub-clause (1), in any State to which the proposed law applies in the first instance, where any person who holds vacant land in excess of the ceiling limit at any time during the period commencing on the date of introduction of the Bill and ending with the commencement of the law, has transferred such land or part thereof by way of sale, etc., the excess vacant land in relation to such person shall be selected out of the vacant land held by him after such transfer, and, in case the entire excess vacant land cannot be so selected, the balance, or, where no vacant land is held by him after the transfer, the entire excess vacant land, shall be selected out of the vacant land held by the transferee.

Under sub-clause (3), in any State to which the proposed law applies in the first instance and in any State which may adopt the law subsequently, no person holding vacant land in excess of the ceiling limit immediately before the commencement of the law shall transfer such land by way of sale, etc., until he has furnished a statement under clause 6 and a notification regarding the excess vacant land held by him has been published under sub-clause (1) of clause 10. Any transfer made in contravention of this provision will be null and void.

Clause 6.—This clause provides for the filing of statements before the competent authority by persons holding vacant land in excess of the ceiling limit.

The statement shall be filed by the persons referred to in sub-clause (4) in the case of individuals, families, companies, firms and other associations, etc.

Clause 7.—This clause makes provision for filing of statements in a case where a person holds vacant land situated within the jurisdiction of two or more competent authorities, whether in the same State or in two or more States. In such a case, the statement will have to be filed before the competent authority within the jurisdiction of which the major part of the vacant land is situated.

Clause 8.—This clause provides for the preparation of draft statement by the competent authority as regards vacant land held in excess of the ceiling limit. The particulars which the statement shall contain are enumerated in sub-clause (2). Sub-clause (3) provides for the service of the draft statement on the person concerned and also for calling from him objections to the draft statement. Under sub-clause (4) the competent authority shall duly consider any objection received from

such person and the competent authority shall, after giving such person a reasonable opportunity of being heard, pass such orders as it deems fit.

Clause 9.—This clause provides for the preparation of the final statement by the competent authority.

Clause 10.—This clause provides for the acquisition of vacant land in excess of the ceiling limit.

Under sub-clause (1), the competent authority has to publish a notification giving the particulars of the vacant land held by the person concerned in excess of the ceiling limit and stating that such vacant land is to be acquired by the concerned State Government and the claims of all persons interested in such vacant land may be made to the competent authority.

Under sub-clause (2), the competent authority has to consider the claims of the persons interested in the vacant land made to it and the competent authority has to determine the nature and extent of such claims.

Under sub-clause (3), the competent authority is empowered to declare, by notification published in the Official Gazette, that the excess vacant land shall, with effect from such date as may be specified in the declaration, be deemed to have been acquired by the State Government. Upon the publication of such declaration, such land shall be deemed to have vested absolutely in the State Government free from all encumbrances with effect from the date specified in the declaration.

Under sub-clause (4), during the period commencing on the date of publication of the notification under sub-clause (1) and ending with the date specified in the declaration made under sub-clause (3), no person shall transfer by way of sale, etc., any excess vacant land specified in the notification and any such transfer made in contravention of this provision will be void. The alteration of the use of the vacant land during the aforesaid period is also prohibited under this sub-clause.

Clause 11.—This clause provides for the payment of amount for the excess vacant land which is deemed to have been acquired by the State Government.

In a case where there is any income from the excess vacant land, the amount payable shall be equal to 8½ times the net average annual income actually derived from the land during the period of five consecutive years immediately preceding the date of publication of the notification under sub-clause (1) of clause 10. In a case where no income is derived from the excess vacant land, the amount payable shall be calculated at a rate not exceeding ten rupees per square metre in the case of vacant land situated in an urban agglomeration falling within category A or category B and five rupees per square metre in the case of vacant land situated in an urban agglomeration falling within category C or category D.

Under sub-clause (2), the net average annual income derived from the excess vacant land shall be calculated in the manner and in accordance with the principles set out in Schedule II.

Sub-clause (3) provides for dividing every urban agglomeration into different zones and fixing the rate per square metre of vacant land in each such zone.

Sub-clause (5) deals with the payment of amount for the excess vacant land which is held by any person under a grant, lease or other tenure from the Central Government or any State Government. In a case where the terms of such grant, lease or other tenure do not provide for payment of any amount to the person holding the land on the termination of such grant, lease or other tenure and the resumption of such land by the Central Government or the State Government, as the case may be, no amount shall be payable in respect of such vacant land under sub-clause (1). In a case where the terms of such grant, lease or other tenure provide for payment of any amount to the person holding the vacant land on the termination of such grant, lease or other tenure and the resumption of such land by the Central Government or the State Government, as the case may be, the amount payable shall be the amount payable to such person under the terms of such grant, lease or other tenure or the amount payable to him under sub-clause (1), whichever is less.

Under sub-clause (6), the amount payable to any person for the acquisition of the excess vacant land shall not exceed two lakhs of rupees.

Sub-clauses (7), (8), (9) and (10) provide for the determination of the amount to be paid under the clause to the concerned person and, if there are several persons interested in the land, the determination of the persons to whom the amount shall be paid and the proportion in which such amount is to be paid.

Clause 12.—The clause provides for the constitution of Urban Land Tribunal for hearing appeals against the orders of the competent authority.

Clause 13.—This clause provides for a second appeal to the High Court from the decision of the Urban Land Tribunal.

Clause 14.—This clause provides for the mode of payment of amount.

Under sub-clause (1), the amount payable has to be paid within a period of six months from the date of the order of the competent authority determining the amount to be paid, or, in a case where an appeal has been preferred against such order, within a period of six months from the date of the final appellate order.

Under sub-clause (2), 25% of the amount or twenty-five thousand rupees, whichever is less, will have to be paid in cash and the balance in negotiable bonds, redeemable after the expiry of twenty years, carrying an interest at the rate of 5% per annum.

Clause 15.—This clause provides for a case where any person acquires by inheritance, etc., any vacant land which, together with the vacant land, if any, already held by him, exceeds in aggregate the ceiling limit. In such a case, such person will have to file a statement before the competent authority and the provisions of the relevant preceding clauses will apply to the statement and to the vacant land held by such person in excess of the ceiling limit.

Clause 16.—This clause provides for a case where any person holds any vacant land in any State to which the proposed law does not apply in the first instance but which subsequently adopts the same and such land, together with the vacant land, if any, already held by him in any other State to which the proposed law applies in the first instance, exceeds in the aggregate the ceiling limit. In such a case, such person will have to file a statement before the competent authority regarding the vacant lands held by him and the provisions of the relevant preceding clauses will apply to the statement and to the vacant land held by such person in excess of the ceiling limit.

Clause 17.—This clause empowers the competent authority, etc., to enter upon any vacant land and make survey and take measurements thereof and do any other act which is considered necessary for carrying out the purposes of the proposed law.

Clause 18.—This clause provides for penalty for concealment, etc., of particulars of vacant land.

Clause 19.—This clause provides for the exemption of vacant lands held by the authorities, institutions and organisations specified in sub-clause (1).

Sub-clause (2) provides that the exemption conferred by sub-clause (1) shall not be construed as granting any exemption in favour of any person, other than an authority, institution or organisation specified in sub-clause (1), who possesses any vacant land which is owned by such authority, institution or organisation or who owns any vacant land which is in the possession of such authority, institution or organisation.

Clause 20.—This clause empowers the State Government to exempt any vacant land in public interest and also in cases where such exemption is considered to be necessary to avoid undue hardship to any person.

Clause 21.—This clause provides that where a person holds any vacant land in excess of the ceiling limit and declares before the competent authority that such land is to be utilized for the construction of dwelling units (each such dwelling unit having a plinth area not exceeding 80 square metres) for the accommodation of the weaker sections of the society, the competent authority may declare such land not to be excess land and permit such person to continue to hold such land for the aforesaid purpose subject to such terms and conditions as may be prescribed by rules. Provision has also been made in the clause to the effect that where any person contravenes any of the conditions subject to which the permission for holding the land has been granted, the competent authority shall, by order and after giving such person an opportunity of being heard, declare such land to be excess land and thereupon all the provisions of the Chapter shall apply accordingly.

Clause 22.—Under this clause, where any person demolishes any building on any land held by him or any such building is destroyed or demolished solely due to natural causes and as a consequence thereof, in either case, the land on which such building has been constructed becomes vacant land and the aggregate of the extent of such land and the extent of any other vacant land held by him exceeds the ceiling limit, such person shall file a statement before the competent authority specifying the location, etc., of all the vacant lands held by him. Where the competent authority is satisfied that the land which has become vacant land is required by the holder for the purpose of redevelopment in accordance with the master plan,

the competent authority is empowered to permit the holder to retain such land in excess of the ceiling limit for such purpose.

Clause 23.—This clause provides for the disposal of vacant land acquired under the Act.

Under sub-clause (1), the State Government is being empowered to allot, in excess of the ceiling limit, any vacant land which is deemed to have been acquired by the State Government under the proposed law, or is acquired by the State Government under any other law, to any person for any purpose relating to, or in connection with, any industry or for providing residential accommodation of the approved type to employees of the State Government.

Under sub-clause (4), the vacant lands deemed to have been acquired by the State Government under the proposed law shall, subject to the other provisions of the clause, be disposed of by the State Government to subserve the common good on such terms and conditions as the State Government may deem fit to impose.

Clause 24.—This clause makes special provisions regarding disposal of vacant lands in favour of certain persons.

Under sub-clause (1), where the owner of any vacant land had leased out or mortgaged with possession such land or had given possession of such land under a hire-purchase agreement to any other person and, as a consequence thereof, he has no vacant land in his possession or has vacant land in his possession less in extent than the ceiling limit, and where such land is deemed to have been acquired by the State Government under the proposed law, such person shall be entitled to make an application to the State Government for the assignment to him, in a case where he has no land in his possession, of so much extent of land as is not in excess of the ceiling limit or, in a case where he has land in his possession less in extent than the ceiling limit, of so much extent of land as is required to make up the deficiency.

Under sub-clause (2), the State Government is empowered to assign such land to such person on payment of an amount equal to the amount which has been paid by the State Government for the acquisition of the extent of land to be assigned.

Clause 25.—This clause defines the expression "plinth area".

Clause 26.—Under sub-clause (1), no person entitled to hold vacant land under the proposed law shall transfer such land by way of sale, etc., except after giving notice in writing of the intended transfer to the competent authority.

Under sub-clause (2), the competent authority shall have the first option to purchase such land on behalf of the State Government at a price calculated in accordance with the provisions of the Land Acquisition Act, 1894 or of any other corresponding law for the time being in force and if such option is not exercised within a period of 60 days from the date of the receipt of the notice, it shall be presumed that the competent authority has no intention to purchase such land on behalf of the State Government and it shall be lawful for such person to transfer the land to whomsoever he may like.

Clause 27.—Under sub-clause (1), no person shall transfer by way of sale, etc., any urban or urbanisable land with any building (whether constructed before or after the commencement of the proposed law) for a period of ten years of such commencement or from the date on which the building is constructed, whichever is later, except with the previous permission in writing of the competent authority.

Sub-clause (2) provides for the making of an application for such permission.

Sub-clause (3) empowers the competent authority to grant or refuse to grant the permission applied for.

Under sub-clause (4) where within a period of 60 days of the date of receipt of the application, the competent authority does not refuse to grant the permission applied for or does not communicate the refusal to the applicant, the competent authority shall be deemed to have granted the permission applied for.

Sub-clause (5) confers a right of pre-emption on the State Government (to be exercised within a period of 60 days from the date of receipt of the application) to purchase such land with the building at an agreed price or if there is no agreed price at such price calculated in accordance with the provisions of the Land Acquisition Act, 1894 or of any other corresponding law for the time being in force. Where the State Government exercises the right of pre-emption, the execution of the sale deed shall be completed and the payment of the purchase price thereof shall be made within a period of three months from the date on which such right is exercised.

Clause 28.—This clause provides for the regulation of registration of documents pertaining to the transfer of vacant land under clause 26 and the transfer of urban or urbanisable land with any building under clause 27.

Clause 29.—This clause provides for the regulation of construction of buildings with dwelling units. Under the clause, where the building proposed to be constructed is situated in an urban agglomeration falling within category A or category B, the plinth area thereof shall not exceed 300 square metres and where the building proposed to be constructed is situated in an urban agglomeration falling within category C or category D, the plinth area thereof shall not exceed 500 square metres.

Clause 30.—This clause provides for demolition and stoppage of buildings which are being constructed in contravention of the provisions of clause 29.

Clause 31.—This clause provides for the powers of competent authority.

Clause 32.—This clause provides for appeal against certain orders of the competent authority to be preferred to such authority as may be prescribed by rules.

Clause 33.—This clause empowers the State Government to call for and examine the records of any order passed or proceeding taken under the provisions of the proposed law and against which no appeal has been preferred, for the purpose of satisfying itself as to the legality or propriety of such order or as to the regularity of such procedure, and the State Government may pass such orders with respect thereto as it may deem fit.

Clause 34.—This clause empowers the State Government to issue orders and directions to the competent authority.

Clause 35.—This clause empowers the Central Government to give such directions to any State Government as may appear to the Central Government to be necessary for carrying into execution in the State any of the provisions of the proposed law.

Clause 36.—Under this clause, the competent authority shall furnish to the State Government such returns, statistics, accounts and other information as the State Government may, from time to time, require.

Clause 37.—This clause provides for penalties for offences under the proposed law.

Clause 38.—This clause deals with offences by companies.

Clause 39.—Under this clause, no suit or other legal proceedings shall lie against the Government or any officer of Government in respect of anything which is in good faith done or intended to be done by or under the proposed law.

Clause 40.—This clause provides for cognizance of offences.

Clause 41.—Under this clause, the provisions of the proposed law shall have overriding effect.

Clause 42.—This clause makes provision for court-fees in relation to applications, appeals and other proceedings under the proposed law.

Clause 43.—Under this clause, every officer acting under or in pursuance of the provisions of the proposed law or under the rules to be made thereunder shall be deemed to be a public servant.

Clause 44.—This clause provides for the correction of clerical or arithmetical mistakes.

Clause 45.—This clause provides for the making of rules for carrying out the provisions of the proposed law.

Clause 46.—This clause empowers the Central Government to remove, by order, any difficulty that may arise in giving effect to the provisions of the proposed law.

Schedule I.—This Schedule has reference to clause 2(*n*) and specifies the urban agglomerations in relation to the States or Union territories specified in column (1) of the Schedule. The peripheral area which will be included in the urban agglomeration and the category to which the urban agglomeration belongs are specified respectively in columns (3) and (4) of the Schedule. The full forms of the abbreviations used in the Schedule have been specified in Note II to the Schedule.

Schedule II.—This Schedule has reference to clause 11(2) and provides for the principles for determination of the net average annual income from any vacant land.

FINANCIAL MEMORANDUM

The scheme of the Urban Land (Ceiling and Regulation) Bill, 1976 requires the implementation and administration of the following:—

(*i*) determination and acquisition by the State of the excess vacant land and payment of amount for the excess vacant land acquired;

(*ii*) regulation of transfers of vacant land and urban property;

(*iii*) regulation of construction of buildings with dwelling units in future and restricting their plinth areas to the prescribed ceiling limits; and

(*iv*) hearing of appeals against orders passed by the competent authorities.

After this Bill is enacted, it will apply immediately to the Union territories of Delhi and Chandigarh and to the 11 States, *viz.*, Andhra Pradesh, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Orissa, Punjab, Tripura, Uttar Pradesh and West Bengal, which have passed resolutions under article 252(1) of the Constitution authorising Parliament to undertake legislation for imposing a ceiling on urban property. Under clause 2(*k*) read with Explanation to clause 10 of the proposed Bill, "State Government" in relation to any land or building situated in a Union territory or within the local limits of a Cantonment declared as such under section 3 of the Cantonments Act, 1924, means the Central Government.

2. While the major work of enforcement of the provisions of the proposed Bill will have to be undertaken by the State Governments, the Central Government will, *inter alia*, have to carry out the following functions:—

(*i*) Under clause 2(*d*), the Central Government will have to authorise any person or authority by notification in the Official Gazette, to perform the functions of the competent authority under the Bill in relation to a Union territory and the local limits of a Cantonment declared as such under section 3 of the Cantonments Act, 1924. Either any of the existing authorities may be notified to perform the functions of the competent authority or fresh persons will have to be appointed as competent authorities.

(*ii*) Under clause 11, read with clause 14, the Central Government is required to pay an amount in cash and in bonds for the vacant land acquired by the Central Government in the Union territories of Delhi and Chandigarh and within the local limits of Cantonments. In cases where vacant lands situated in States are owned by the Central Government, but such lands have been leased out to others and such lands in the possession of the lessees after having been declared as excess are to be acquired (the interest of the lessees) by the Central Government an amount will have to be paid in such cases also.

(*iii*) Under clause 12, the Central Government will have to constitute one or more Urban Land Tribunals in respect of the Union territories of Delhi and Chandigarh and in respect of lands situated in Cantonments.

(*iv*) Under clause 32, the Central Government has to appoint an appellate authority for hearing appeals against the orders of the competent authorities. Either any of the existing authorities may be specified as appellate authority or a new appellate authority may have to be appointed.

3. The Central Government will be required to incur expenditure out of the Consolidated Fund of India for implementing the provisions of the Bill referred to above in the Union territories of Delhi and Chandigarh and the Cantonment areas. Even though the Ministry of Works and Housing are responsible for the overall administration of the Bill, no separate machinery for this purpose is required to be set up and the work involved will be carried on by the existing staff in the Ministry. As regards the work relating to lands in Cantonment areas, the Directorate of Military Lands and Cantonments under the Ministry of Defence will be able to undertake it and no separate machinery for this purpose may be necessary. As the Delhi and Chandigarh Administrations have already got establishments for administration of land reforms and urban development, it is hoped that they will be able to carry out the work arising out of the Bill without any extra burden, but it may be necessary to strengthen these establishments to some extent.

4. The expenditure on account of the strengthening of the establishment for administering the provisions of the proposed Bill in the Union territories of Delhi and Chandigarh is not likely to exceed Rs. 3.50 lakhs per annum roughly. This expenditure includes the expenditure on account of pay and allowances of the office staff, rent of office accommodation and expenditure on account of furniture, equipment, stationery, etc. This expenditure is of a recurring nature and will have to be met from the Consolidated Fund of India.

5. Expenditure will have to be incurred by the Central Government for payment of amount in respect of excess vacant land acquired by it in the Union territories of Delhi and Chandigarh and the Cantonment areas. No estimate of the extent of the excess vacant land in these Union territories and Cantonment areas is available. It is not possible to anticipate the extent of excess vacant land that may be acquired by the Central Government. The amount for excess vacant land acquired by the Central Government has to be paid in cash and in bonds. Interest is also payable on the bonds. As it will take time to determine the excess vacant land and complete other formalities before the amount is ultimately paid to the person concerned, the liability of the Central Government to incur any expenditure on this account during the first year after the commencement of the Act may be negligible, but as the work of acquisition proceeds from year to year, the expenditure will have to be incurred from year to year till payment for all the excess vacant land acquired by the Central Government has been made. Thus, the likely expenditure to be incurred would be spread over a number of years. It is estimated that this expenditure is not likely to exceed Rs. 1 crore in the first year and Rs. 16 lakhs per year in subsequent years. After 20 years, when the bonds will be redeemed, a non-recurring expenditure of Rs. 3.20 crores will have to be incurred. This expenditure also has to be incurred from the Consolidated Fund of India.

6. No other non-recurring expenditure is estimated at this stage.

7. In so far as the States are concerned, the expenditure will be met from the Consolidated Fund of the respective States.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 45 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. Sub-clause (2) of that clause catalogues the various matters with respect to which rules may be made. These matters, *inter alia*, include the period within which the statement may be filed under clause 6, the particulars to be mentioned in a statement referred to in sub-clause (1) of clause 6, sub-clause (2) of clause 8, clause 15 and sub-clause (1) of clause 16; the time within which the competent authority shall dispose of a case under clause 11, the form and manner in which an application for transfer of land may be made under sub-clause (2) of clause 27 and the powers of the competent authority under clause 31(f). The matters with respect to which the Central Government is being empowered to make rules are matters of procedure and detail and it is hardly possible to provide for the same in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

S. L. SHAKDHER,
Secretary General

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